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JOURNAL

OF THE

FIFTH SESSION

OF THE

LEGISLATURE

OF THE

STATE OF CALIFORNIA,

BEGUN

N THE SECOND DAY OF JANUARY, 1854, AND ENDED ON THE
FIFTEENTH DAY OF MAY, 1854, AT THE CITIES OF
BENICIA AND SACRAMENTO.

PUBLISHED BY AUTHORITY.

SACRAMENTO:
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PROCEEDINGS OF THE SENATE.

JOURNAL OF THE SENATE.

SENATE OF CALIFORNIA.

FIFTH SESSION.

IN SENATE.

MONDAY, January 2, 1854.

Pursuant to the provisions of the Constitution, the Senate of the State of California, this day assembled at 12 o'clock, M., and was called to order by J. S. Love, Assistant Secretary of the last Senate.

On motion of Mr. Sprague, Mr. Lyons was called to the chair.

The Rev. Mr. Woodbridge, at the request of the chair, opened the session with prayer.

By direction of the chair, the former Assistant Secretary, proceeded to call the names of the members of the last Senate, holding over, and the following gentlemen answered to their names:

Messrs. Catlin, Coffroth, Hudspeth, Lyons and Wade.

The districts were then called, when the following Senators answered to their names:

First District, composed of the counties of San Diego, San Bernardino and Los Angeles—Mr. J. P. McFarland.
Third District—Monterey and Santa Cruz—B. C Whiting.
Seventh District—Tuolumne county—Thos. Kendall.
Tenth District—Solano, Napa and Yolo—E. McGarry.
Twelfth District—Trinity, Klamath, Humboldt and Siskiyou—W. B. May.
Thirteenth District—Colusi and Shasta—R. T. Sprague.
Fourteenth District—Butte county—Elisha T. Peck.
Fifteenth District—Yuba and Sutter—C. H. Bryan and J. G. Stebbins.

Sixteenth District—Nevada county—J. T. Crenshaw.
Seventeenth District—Placer county—C. A. Tuttle.
Eighteenth District—El Dorado county—B. F. Keene, G. W. Hook, G. D. Hall and H. G. Livermore.
Nineteenth District—Calaveras county—C. A. Locke and E. D. Sawyer.
Twentieth District—Sierra county—James H. Gardner.

Mr. Coffroth moved that all members present, without certificates, be admitted and sworn in,

Which was agreed to.

On motion of Mr. Coffroth, the oath of office was administered by the Hon. Jos. Winston, County Judge of Solano county.

Mr. Coffroth offered the following, which was unanimously adopted:

Resolved, That the Standing Rules adopted by the last Senate, be and are declared the rules by which the present Senate will be governed, until otherwise ordered by the Senate, and that a Select Committee be appointed by the chair to draft and report a code of rules and regulations for the government of the Senate.

The chair appointed as the committee, Messrs. Coffroth, Wade and Sprague.

Hon. Joseph Walkup, Senator from Placer, appeared and took his seat.

On motion of Mr. Sprague, a call of the Senate was ordered, and Messrs. Crabb, Grewell, Hager and Smith were absent.

A quorum being being present, further proceedings under the call were dispensed with.

Mr. Sprague moved that the Senate proceed to elect a President, *pro tem.*, of the Senate,

Which was agreed to.

On motion of Mr. Sprague, the Hon. B. F. Keene was elected unanimously as President, *pro tem.*, of the Senate.

President, *pro tem.*, in the chair.

On motion of Mr. Wade, the Senate adjourned to 11 o'clock, Tuesday.

B. F. KEENE,
President, *pro tem.*, of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, January 3, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Hager, Senator from San Francisco, appeared and took his seat.

On motion of Mr. Catlin, Mr. Colby, Senator from Sacramento, qualified and took his seat.

Mr. Sprague moved that the Senate proceed to the election of permanent officers.

Agreed to.

Mr. Sprague nominated John Y. Lind as Secretary of the Senate, and the roll being called, Mr. Lind received the following votes:

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hook, Hudspeth, Keene, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting—24; and was declared duly elected.

Mr. Livermore nominated John H. Stewart for Assistant Secretary.

The roll being called, Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hook, Hudspeth, Keene, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, voted for Mr. Stewart, who, having received 24 votes was declared duly elected.

Mr. Coffroth nominated Mr. E. C. Dowdigan for Door-Keeper.

The roll being called, Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hook, Hudspeth, Keene, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, voted for Mr. Dowdigan, and having received 24 votes was declared duly elected.

Mr. Lyons nominated Mr. J. C. Tucker for Engrossing Clerk, and

The roll being called, Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hook, Hudspeth, Keene, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting; 24 votes being cast for Mr. Tucker, he was declared duly elected.

Mr. Tuttle nominated Henry St. Clair for Enrolling Clerk.

The roll being called, Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hall, Hook, Keene, Kendall, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins, Tuttle, Wade, Walkup and Whiting; 25 votes being cast for Mr. St. Clair, he was declared duly elected.

Mr. McFarland nominated W. H. Harvey for Sergeant-at-Arms, and

The roll being called, Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hager, Hook, Hudspeth, Keene, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting; 24 having voted for Mr. Harvey he was declared duly elected.

On motion of Mr. Hager, Mr. W. M. Lent and D. Mahoney, Senators elect from San Francisco, were qualified and took their seats.

Mr. Sprague moved that the Chair appoint a committee of three to wait upon the offices elect who appeared and qualified

Motion was agreed to, and the chair appointed Messrs. Sprague, Wade and Hook.

The committee reported, and the following officers were qualified by Hon. Jos. Winston, Judge of the county of Solano :

Messrs. Lind, Stewart, Harvey, Dowdigan, Tucker and St. Clair.

Mr. Lyons offered the following :

Resolved, That the Rev. Mr. Woodbridge be requested to act as Chaplain to the Senate during the present session.

Mr. Colby offered as a substitute :

Resolved, That the Senate now proceed to the election of Chaplain to serve for the present session of the Legislature.

The substitute was lost, and the question recurring upon the original resolution, it was adopted.

Mr. Wade offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to make arrangements for furnishing each Senator with five daily California newspapers, to be selected by themselves.

Messrs. Walkup, Colby and Hudspeth demanded the yeas and nays with the following result :

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Gardner, Hall, Kendall, Livermore, Lyons, May, McFarland, McGarry, Peck, Smith, Stebbins and Wade—16.

NAYS.

Messrs. Crenshaw, Hager, Hook, Hudspeth, Keene, Lent, Mahoney, Sawyer, Sprague, Tuttle, Walkup and Whiting—12.

So the resolution was adopted.

Mr. Farland offered the following :

Resolved, That the Sergeant-at-Arms procure fuel and lights necessary for the use of the Senate, and that the bills therefor be audited by the Committee on Contingent Expenses.

The resolution was adopted.

Mr. Coffroth offered a resolution, that the Secretary of the Senate inform the Assembly that the Senate has organized by the selection of permanent officers, and is ready to proceed to legislative business.

Mr. Sawyer offered the following resolution :

Resolved, That the Secretary of State be requested to furnish, as far as practicable, each Senator with a copy of the Statutes and Journals of 1850, 1851, 1852, and 1853, and the debates of the Convention to form a Constitution.

Mr. Coffroth moved to lay the resolution on the table for the present, which was lost.

The question recurring on the resolution, it was adopted.

Mr. Hall offered the following:

Resolved, That the Secretary of State be instructed to place a Map of the State of California in some suitable place within the hall of the Senate.

Adopted.

On motion of Mr. Farland, the Senate adjourned until Wednesday morning at 11 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, January 4, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

On motion of Mr. Lyons, Mr. Moore, of San Francisco, and Mr. De La Guerra, of Santa Barbara, were qualified and took their seats.

Mr. Hagar presented the following communication from the Lieutenant Governor, appointing Pages and Porters of the Senate, which was confirmed by the President *pro tem.*

To the presiding officer of the
Senate of California:

I have made the following appointments for the Senate.

Pages, { Jacob Henline, Owen Mitchell,

Porters, { Robert Masters, Christopher Huntemann, David Hoag.

Very respectfully yours,

SAMUEL PURDY,
Lieut. Governor and President of the Senate.

SAN FRANCISCO, January 2, 1854.

Mr. Sprague moved that the Senate take a recess until 3 o'clock which was adopted.

AFTERNOON SESSION.

Senate re-assembled at 3 o'clock, P. M.

Mr. Coffroth, chairman of the Select Committee on Rules, submitted the following report, which was accepted.

MR. PRESIDENT:

The committee appointed to digest suitable rules for the government of the Senate, would respectfully report the following, and ask their adoption.

JAMES W. COFFROTH,
JAMES H. WADE,
R. T. SPRAGUE,
Committee.

Mr. Tuttle offered as an additional rule, that all bills reported by a committee or introduced by leave, shall, after the first reading, be printed for the use of the Senate.

Mr. Sprague moved that the report and amendments lie temporarily on the table Agreed to.

The following message and concurrent resolution were received from the Assembly.

Mr. President:

I am directed to inform the Senate, that the Assembly have organized by electing—

Charles S. Fairfax, Esq., Speaker.
Blanton McAlpin, Chief Clerk.
J. W. Scobey, Assistant Clerk.
John Kimmel, Enrolling Clerk.
E. A. Kelly, Engrossing Clerk.
George H. Blake, Sergeant-at-Arms.
J. Warrington, Doorkeeper

And that they are now ready to proceed with the business of the Session.

They have also passed a joint resolution, herewith presented, appointing a joint committee to wait upon the Governor, and inform him that the two Houses are now ready to receive any communication which he may desire to transmit.

B. McALPIN, Clerk.

Resolved, By the Assembly, Senate concurring, that a joint committee of two from each House be appointed, to wait on the Governor and inform him of the organization of the two Houses, and that they are ready to receive any communication he may deem proper to submit.

Committee, Hoff and Conness

Mr. Leake moved that the Senate concur in Assembly's resolution, which was adopted;

And Messrs. Leake and Coffroth were appointed the committee.

Mr. Smith introduced the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be authorized to prepare three additional rooms for the convenience of the different Senate Committees.

Mr. Wade moved to proceed to the consideration of the report of the Committee on Rules, together with the proposed amendment.

Agreed to.

The amendment was lost, when

On motion of Mr. Coffroth, the rules as reported were ordered to be engrossed for a third reading.

The annual message of the Governor, together with accompanying documents, were received, and after being read some time,

On motion of Mr. Sprague, the further reading was dispensed with.

MESSAGE.

Fellow Citizens of the Senate and Assembly:

Under the guidance and protecting care of that Divine Goodness, to whom it is our duty to address devout gratitude for the past, as well as fervent supplications for the future, you, the immediate representatives of the people, have convened, and under the most favorable auspices, are about to commence your legislative labors. The constitutional duty again devolves upon me of communicating with you, by message, setting forth "the condition of the State," and commending to your favorable consideration such measures as I may "deem expedient."

In the performance of this important duty, at the commencement of a new term of office, I am filled with emotions of gratitude to the people, whose generous preference has again called me to preside over the destinies of this young State; and to that gracious Providence, under whose kindly protection we have advanced so rapidly in the paths of progress and of peace.

The obligations which the confidence of a free and intelligent people imposes, will be acknowledged, on my part, by an anxious desire and continued effort to discharge my public duties in accordance with my convictions of right and justice, and in strict compliance with the Constitution and laws.

On the occasion of your assembling, permit me to congratulate you upon the healthy and prosperous condition of the country. During the year just closed, Divine Providence, ever watchful over the affairs of men and nations, has been pleased to smile upon our favored State, and to bless us with health, within our borders, and plenty in our habitations. The mineral wealth of our mountains continues to be the admiration and wonder of the world—the products of our valleys, already the pride and boast of our own people, promise, in a few short years, under the hand of careful culture, to more than equal the wants of California—our commerce greatly expanded and diversified, has been much more than remunerative—in short, all the sources of wealth have been greatly augmented by the enterprise and well directed efforts of our people.

In compliance with constitutional requirement and with a view to facilitate your

legislative labors, correct information, in relation to the condition of the State, will be given in as brief a space as possible; and measures deemed important to California, and the welfare of the whole people, commended to your favorable consideration.

The existing debt of the State on the 20th day of December, 1853, is set forth as follows in the report of the Comptroller of State:

CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,	$4,075 00	
" interest on same to date,	5,501 25	
		$9,576 25
" 7 per cent. Bonds, of 1851,		384,000 00
" " " 1852,		1,422,000 00
" State Prison Bonds, Act of 1853,		100,000 00
" Comptroller's Warrants outstanding,		161,619 80
Total amount of Civil Indebtedness,		2,077,196 05
Amount of War Debt, principal and interest,		924,259 65
Total debt of the State, exclusive of the School Fund,		$3,001,455 70

And, if we include the $463,360 received for School Warrants, then it is $3,464,815 70. On the amount received for School Land Warrants, the State is pledged for the payment of an annual interest of seven per cent. to the School Fund; but the principal is not regarded as legitimately a debt of the State, because realized from sales made of her own property, and the interest money which has accrued, as on the balance of the civil debt, is not included, because the amount is now in the Treasury. Beside this, the debt contracted for Indian Expeditions, amounting in the aggregate to the sum of $924,259 65, should be regarded rather as an *apparent* than *actual* indebtedness, and one which Congress is bound, sooner or later, to assume—the General Government having failed to extend to our people the protection guarantied by the Constitution of the United States.

The *adjusted* indebtedness of the State on the 31st of December, 1851, as reported by the Comptroller, amounted to $1,242,339 74, as follows:

Total amount of *adjusted* Civil indebtedness,	$796,963 95
" " " War Debt,	445,375 79
Total amount,	$1,242,339 74

It is deemed proper, in this connection, to explain the causes of the *apparent* increase of State indebtedness within the last two years, and in doing so, it may be necessary to enter more into detail than has heretofore been the custom of the Executive.

Before recapitulating the several items and dates necessary to a correct understanding of the subject, I may be allowed to remark, that the responsibility, whatever it may be, rests entirely with those agents of the State who *contracted* the debts, and not upon those who, subsequently, in obedience to law, merely adjusted and issued warrants upon the treasury in payment of them. With the latter, there was certainly no discretionary power; whether it existed with the former, it is not necessary for me now to inquire. The faith of the State had been pledged for indebtedness incurred, and without actual repudiation, there was no other course to

be pursued by the present agents of the State than to issue warrants on the treasury in compliance with law.

The explanations deemed proper, will, in part, be found in statements A, B and C, herewith transmitted. See Appendix to this document.

Statement A, exhibits the various debts *contracted prior* to the 1st of January 1852, but which were not audited by the proper officer until *after* that date, amounting, in the aggregate to the sum of one million fifty-two thousand four hundred and ninety dollars and ninety-two cents.

Statement B, exhibits the several amounts appropriated by the Legislature of 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government, amounting in the aggregate to the sum of four hundred and thirty-six thousand three hundred and fifty dollars and seventy-eight cents.

Statement C, exhibits the expenses of the several departments of the State Government since its organization.

RECAPITULATION.

Amount of *adjusted* indebtedness on the 1st day of January, 1852. (See Comptroller's Special Report of January 22, 1852,)		$1,242,339 74
Amount of indebtedness incurred *prior*, but not audited until *after* January 1, 1852. (See statement A.)		1,052,490 92
Amount of *actual debt* on 1st January, 1852,		$2,294,830 66
Amount appropriated by the Legislatures of 1852 and 1853, for special objects unconnected with the administration of the State Government. (See statement B.)		436,350 78
Amount of *actual debt* on the 1st of January 1852, and special appropriations by the Legislatures of 1852 and 1853,		2,731,181 44
Since the 1st of January 1852, of the then *adjusted* debt, in the shape of three per cent. Bonds redeemed, including interest, there has been paid *in coin*,	$272,978 41	
In seven per cent. Bonds due in 1855, redeemed has been paid in coin since January 1, 1852,	77,000 00	
Total amount of *coin* paid in the redemption of three and seven per cents of 1850 and 1851,		$349,978 41

From the above recapitulation it will be seen that the debt of the State, incurred in defraying *necessary* and *legitimate* expenses of Government since January 1, 1852, has increased comparatively but a small amount.

The amount of coin, ($349,978 41,) applied in the redemption of Bonds since January 1, 1852, it is proper to state, was diverted, at a time when much required, from the revenues relied upon to defray the current expenses of Government, and in lieu of which it became necessary to issue Comptroller's Warrants for a greatly increased amount, the difference between $349,978 41, in cash and scrip, at eighty cents on the dollar, being $87,494 60.

The enormous rate of interest, (three per cent. per month, or thirty-six per cent. per annum,) payable on most of these bonds, rendered their early redemption a matter of great importance to the State, and it gives me sincere pleasure to be able to inform you that there are now outstanding but about four thousand dollars, of the whole amount issued.

The whole amount of three per cent. bonds originally issued was $200,000, upon which interest to the amount of $182,268 50, has been paid, exclusive of the $5,501 25, due on the $4,075 00, still outstanding.

The receipts and expenditures for the ensuing fiscal year, are estimated by the Comptroller as follows:

Receipts,	$780,000 00
Expenditures,	960,000 00

The assessment returns have been received from twenty-seven counties. Appraised amount of real and personal property, $91,338,175. The remaining eight counties will increase the assessment to at least $100,000,000, being an increase, compared with 1852, of $40,783,144.

Amount of revenue on an assessment of $100,000,000 at sixty cents on each $100 of valuation,	$600,000 00
Amount of Foreign Miner's Tax,	125,000 00
" " Poll Tax,	60,000 00
" " Consigned Goods,	50,000 00
" " Auction Duties,	75,000 00
" " Passenger Tax,	26,000 00
" " Library Fund,	2,000 00
" " Possessory Claims,	2,000 00
Total amount,	$910,000 00
Deduct for delinquencies and cost of collection,	$160,000 00
Nett amount of revenue,	$780,000 00

From a close investigation of the subject, I am inclined to believe that the estimated receipts are at least one hundred thousand less than will actually be collected before the close of the present fiscal year, and have every reason to expect that the total receipts will vary but little from eight hundred and eighty thousand dollars.

The cash receipts into the General Fund from December 27, 1853, to April 15, 1854, inclusive, are estimated by the Comptroller of State at $175,000, which sum, together with the amount realized in cash from the sales of property made by the city of San Francisco on the 26th of December, 1853—presumed to be about $200,000—can be applied in paying accruing expenses of government.

To provide the amount of means necessary for the speedy payment of the existing Civil Debt, I recommended, at the commencement of the last session of the Legislature, an extension of the water front, and the sale of the State's interest in all property within the limits of the city of San Francisco.

The Legislature having adjourned, however, without passing a law authorising the extension, as then recommended, I deem it my duty again to invite attention to the question, and to implore you to give to the subject early and favorable consideration.

Every consideration of honor, patriotism, and fidelity to our constituents, imperiously calls upon us, at this time, to apply all the means, legitimately at our disposal, in payment of the existing State debt.

Since the adjournment of the Legislature, the question of extension has been discussed, and examined in all its bearings, and it gives me pleasure to assure you that the project has now, comparatively, few opponents.

That the title to this property is in the State of California, and that her agents alone have power to dispose of it, seems now to be generally conceded. Indeed, it cannot be even plausibly questioned, that the moment the right of sovereignty vested in the United States, they took upon themselves merely the right to hold the municipal eminent domain in trust for such new States, as might be organized within the acquired territory; and upon their admission into the Union, to invest them with it, to the same extent and in all respects as the other States of the confederacy

The Sepreme Court of the United States, at its January term, in the year 1845, declared that "The power of Congress over navigation and its power to make all needful rules and regulations for the sale and disposition of the public lands, conferred no power to grant lands below high water mark in any State admitted into the Union; that the shores of all navigable waters, and the soil under them, were not granted by the Constitution, but were reserved by the States respectively, and that the *new* States have the same rights, sovereignty and jurisdistion as the original States." It cannot, therefore, be doubted, that on the admission of California into the Union, the exclusive right to dispose of all the lands "below high water mark" within her limits passed to the State.

The Supreme Courts and Circuit Courts of the United States, it may be proper here to remark, have also well settled the principle that no separate or exclusive right, adverse to the sovereign and public right, is acquired by a city or town to the tide waters or the soil under them, by virtue of an act of the Legislature, merely extending the limits of such town or city over such waters. An act extending the bounds of a city or town over a bay, merely for the purpose of jurisdiction, is no evidence of a grant of property in the "soil covered by water." Numerous decisions could be here cited in support of this position, but it is not deemed necessary.

Permit me, in this connection, however, to suggest, that in carrying into effect the recommendation to extend the water front of the city of San Francisco, it would be advisable to provide for the appointment of a Board of Commissioners, with such checks and limitations as may be necessary, and that without prescribing an arbitrary line, authority be given them to extend at such points, and to such distance as may, after careful examination, be deemed proper and expedient; provided, that at no point shall the extension exceed a given number of feet; and further, that the said Board be required to provide for as many slips, to be kept free and unobstructed, as may be necessary for the wants and requirements of commerce.

It is believed that extension can be made at various points, and in such manner as will not only cause no injury to the harbor, but result in positive benefit. By providing proper slips, to be kept open and unobstructed for the convenience of commerce, sufficient drainage can be obtained, and the expense and inconvenience incident to a change of the present grade of the city avoided.

The practicability of this measure cannot be questioned, and the fact that from a judicious sale of the property within the limits of the proposed extension, sufficient means will be realized to pay the State debt, and relieve our people from the burthen of onerous taxation, must commend it to the favorable consideration of the Representatives of the people. And, as these facts are better understood and appreciated by the citizens of San Francisco, there can be no doubt that they will hail the extension, not only as an act beneficial to themselves, but as imperiously demanded by the future wants and interests of the great and populous emporium of the Pacific.

The consummation of the measure of extension, in the manner contemplated, in truth, must result directly to the advantage of the residents of the city of San Francisco, and, indirectly, benefit the whole people of the State.

The limited space now occupied by the business portion of the city, demands extension for the accommodation of her present commerce, which is now in its infancy, and small, indeed compared with that which, we have every reason to believe, will, at no remote period, be centered in the harbor of San Francisco. To assume that that commerce can be conveniently, or advantageously, transacted within the present contracted limits, or that it will recede from, rather than encroach upon the water, is alike contrary to well matured public opinion and past experience.

The sale, from time to time, as deemed expedient, of such an amount of water property, adapted as it is to the wants and requirements of commerce, must exercise a wholesome influence in regulating rent-charges, which, in the increased price of goods, are eventually paid by consumers throughout the State.

The harbor of San Francisco, from its position and capacity, is of more importance to the commerce of the world than any other within our confederacy, and it is therefore hoped, that Congress, during the present session, will adopt the necessary measures to protect and render it perfectly secure.

By an Act of the Legislature, approved March 26, 1851, property owned by the State known as the "Beach and Water Lot property," was released to the city of San Francisco for the term of ninety-nine years, the city to pay into the State treasury twenty-five per cent. upon all monies arising from the disposition made of the property after the passage of the Act. On the first day of May, 1851, another Act was passed, relinquishing to the city certain Beach and Water Lot property, upon the express condition that certain titles which had been theretofore granted by Justices of the Peace, should be confirmed. The requirement to confirm grants made by Justices of the Peace, up to March 12, 1853, the date of the repeal of the Act of May 1, 1851, had been wholly neglected, and up to the 25th December, 1853, comparatively but a small sum had been paid into the State Treasury under the provisions of the second section of the Act of March 26, 1851.

I would, therefore, recommend that the Act approved May 18, 1853, entitled an Act to provide for the sale of the interest of the State of California in the property within the water front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, be so modified as to authorize the Board of Commissioners appointed under the Act aforesaid, to dispose of the State's remaining interest in said property, in such manner and at such times as they may deem proper and expedient.

The right of the State to dispose of the reversionary interest in the property released to the city by Act of 26th March, 1851, it is believed cannot be questioned, and although owing to the fact that the property has been released to the city for a long term of years, the sum realized on each lot may be small, in the aggregate it will constitute an important item in meeting demands upon the State Treasury.

Persons who have purchased heretofore from the city of San Francisco in good faith, cannot reasonably object to the sale, because, by obtaining the State's remaining interest, a perfect title to their property may be acquired. On the contrary, it is presumed that they will eagerly embrace the opportunity thus offered, of extinguishing an interest adverse to their own, and which each year increases in importance, while the value of their own tenure is being as constantly decreased.

In addition to the amount derivable from the sale of lots within the limits of the proposed extension, the Government Reserves, and the State's remaining interest in the property released to the city, and sold in accordance with the provisions of the Act of March 26, 1851, the sum of $298,437 accrues to the State, as her portion of the amount realized from sales made by the city, of this description of property, on the 26th day of December, 1853. Add to the above, the $473,476 realized from sales of property made by the State Commissioners, and we have the sum of $771,912, of which amount, at least $650,000 can be applied, as received, in part payment of the Civil Debt of the State.

From all these sources the amount which will be realized, it is confidently believed, cannot be less than seven million of dollars, an amount sufficient to pay the entire debt of the State, civil and war, and leave in the Treasury a balance of more than three and a half millions.

Before dismissing the subject, I would remark, that it may not be necessary, or advisable, to sell immediately the whole of the property within the proposed extension, but only so much as may be required to liquidate the existing State Debt—leaving the surplus to be disposed of as the future wants of the State may demand.

If, however, the prosperity of the city, and her rapidly increasing commerce, should demand the immediate sale of the whole of the property, I would respectfully suggest that the balance derived, after the payment of the Public Debt be invested in the

United States six per cent. Bonds. The annual interest on the surplus of three and a half millions, as estimated, would, at six per cent., amount to $210,000.

This sum judiciously expended annually for necessary public works, at San Francisco—in removing obstacles to the safe navigation of our rivers, above ports of entry, and in improving public highways, and building bridges where necessary for the public convenience throughout the State, in a few years, would effect a mighty change in the condition of California.

Judicious legislation alone is now wanting to secure all that is claimed, and in the premises, more than realize the expectations of our common constituents.

To meet the accruing interest on the Civil Debt, the sum of one hundred and sixty-five thousand eight hundred and fifty-five dollars and twenty cents, must each year, until the debt shall have been paid, be collected in cash from the people of the State.

The amount of interest accruing annually on the War Debt is $67,495 69, which added to the interest on the Civil Debt, amounts to the sum of $233,350 89.

With the ample resources legitimately within your reach, and to which I have directed your attention, it is hoped that you will, without unnecessary delay, adopt measures to secure the liquidation of the entire debt, as rapidly as the outstanding bonds of the State can be advantageously called in and cancelled.

With sufficient funds in the Treasury the indebtedness of the State, it is believed, can be discharged on favorable terms by advertising for "sealed proposals for the surrender of bonds," in the manner prescribed in the ninth section of the Funding Act of 1852, and thus relieve the people from the annual payment of an onerous special tax.

Statement C, which is herewith transmitted, has been compiled with much care, and exhibits the important fact, that during the past four years, the average annual expenditures of the several Departments, collectively, and which includes the legitimate expenses of the State Government, have been five hundred and fifty-three thousand nine hundred and sixty-three dollars and ninety cents.

The receipts into the Treasury for the fiscal year ending June 30, 1854, are estimated at $780,000, being an excess of $226,000 over the average annual expenditures as exhibited by statement C.

These facts prove conclusively, that by the adoption of the proposed reforms, the Government will be enabled to meet, and in *cash*, accruing demands on the Treasury, and justify a great reduction of the taxation now bearing so heavily on the people.

In my annual message, at the commencement of the last session, the attention of the Legislature was invited to the importance of making an efficient effort to obtain from the General Government the entire amount of the "Civil Fund," the collection of which was begun in the early part of the year 1847; and a few days before the close of the session, I transmitted important papers in relation to the disposition made of this fund, [See document No. 53, appended to Senate Journal,] and again urged the Legislature to give the subject thorough investigation, and to transmit, without delay, the result of their researches to our delegation in Congress.

This fund, amounting to more than one million of dollars, rightfully belongs to the State of California, and would not, it is confidently believed, be longer withheld, if all the important facts connected with its collection and disbursement were carefully prepared and forwarded to Congress.

The condition of California at the time when the collection of this fund commenced, it may be proper here to remark, was indeed peculiar. Congress had failed to legislate for the country, and the President of the United States and Secretary of the Treasury, it is understood, had both, in official communications, admitted the want of power in the proper department of the Government to collect revenue in California; and, the officers in command on the Pacific Coast, could not, under their instructions, permit foreign goods to be landed without the duties having

been first paid, though there was at the time a pressing demand for them in the country.

In the absence, however, of law on the subject, the Civil Governor assumed the responsibility of permitting the goods to be landed, and of receiving the amount of duties fixed by the Act of 1846; and the people of California controlled by their necessities, though without a voice in the councils of the nation, quietly acquiesced in this novel exercise of the taxing power.

This fund, collected from the people of California, before the revenue laws of the United States were extended over the country—collected, in fact, without authority of law, and long before we were allowed representation at Washington, it is contended, belongs to the State of California, and should at once be refunded. The subject is commended to your consideration with the hope that an expression of opinion on the question, as well as all the important facts in the case, will be carefully prepared and forwarded to our delegation in Congress.

The great necessity and importance of providing means to liquidate, and as speedily as possible, the civil debt of the State, having been urged upon your early consideration, and measures recommended, which, if adopted, in a comparatively short period of time, will enable the agents of the State to effect that desirable object, permit me to recommend co-operation on the part of the Legislature with our delegation in Congress, in securing the assumption by the General Government, in some form, of the existing war debt, which now amounts to the sum of $924,259 65.

No provision has, it is true, been made for the payment of the accruing interest on the war debt, but the State, by solemn acts of legislation, stands pledged for the payment of the whole amount, principal and interest.

The present, for various reasons, is regarded as a propitious time to demand justice in the premises at the hands of the General Government. In addition to the fact that there is now a large amount of surplus money in the treasury of the nation, and the bright promise of future increase, the immense importance of the Pacific country to the commerce, not only of the Atlantic States, but of the whole Eastern world—an importance now universally conceded—cannot fail, it is conceived, to commend our rights and interests to the immediate consideration of the General Government.

There are, however, many other and cogent reasons too, why the General Government should promptly, not only assume the entire war debt, principal and interest, but also refund the whole amount of the civil fund, except, perhaps, the sum expended in defraying the expenses of the Constitutional Convention, held at Monterey, in September and October, 1849.

The important fact that California contributes annually more to the national treasury, in proportion to population, than any other State in the Confederacy, certainly entitles her to increased consideration in making disbursements from the national coffers.

The amount of revenue collected at the several ports within the State during the fiscal year ending June 30, 1853, exceeds two millions three hundred and fifty thousand dollars: an amount equal to one-sixteenth of the whole sum heretofore annually required to defray the expenses of the National Government. And, the receipts of the first quarter have been so much increased, as to warrant the belief that the present fiscal year, the revenue collected at the different ports in California, must considerably exceed three millions, being equal to an annual tax of *eleven dollars and thirty-four cents* upon each man, woman and child within the limits of California. The amount thus indirectly collected in the other States of the Union, averages only *two dollars and thirteen cents* to each man, woman, and child.

It will be seen from the report of the Comptroller of State, that he estimates the expenditures for the fiscal year ending the 30th of June, 1854, at nine hundred and sixty thousand four hundred and fifty dollars and fifty-one cents. This estimate, though regarded as sufficiently high, is in the aggregate only equal to one-third the

amount annually contributed by the people of California for the support of the National Government, and is an average tax of only three dollars and sixty-three cents on each man, woman and child within the State. Whilst State taxation is the subject of general complaint, as being exorbitant and oppressive on our people, not a murmur is heard in relation to the *indirect* exactions of the General Government, though three-fold greater than the amount collected for State purposes.

This mode of taxation, although perhaps not so apparent as that which is more direct and collected for the purposes of State Government, is equally onerous and oppressive. Great as is the amount thus annually exacted from the hard earnings of our people for the support of the General Government, they have acquiesced in its collection without a murmur, and now feel that they have a claim to increased consideration on the part of Congress. Again, it should be remembered, in the consideration of the claims which we present, that California, though the youngest of the sovereign States, annually adds to the wealth of the nation about eighty-two millions of dollars in gold dust, being considerably more than one-half of the whole sum contributed by the other States.

During the year 1852 the total amount of exports from the other thirty States was but $154,931,147, as follows:

Cotton,	$87,965,732
Breadstuffs,	25,857,027
Other products,	28,607,076
Tobacco,	10,031,383
Rice,	2,470,029
Total value of exports from the other 30 States,	$154,931,147

Amount of Gold Dust shipped from California in 1853,	$57,300,399 42
Estimated amount in private hands,	25,000,000 00
Total amount of Gold Dust shipped in 1853,	$82,300,399 42

These important facts, obtained from official records and reliable sources, if so presented as to induce examination of the whole subject, cannot fail, it is believed, to secure for the claims of California the favorable consideration of Congress.

In view, however, of the very many subjects which must necessarily engage a great portion of the time and labor of our delegation in Congress, I feel called upon to say that I regard it as almost impossible for them to make to individual members of the two Houses of Congress the explanations requisite to a correct understanding of the question, and to remove the erroneous impressions created by incorrect statements heretofore made in relation to Indian difficulties in California; and unless full and correct information be given, and effort made to induce investigation on the part of those charged with the duty of deciding upon its merits, we can scarcely hope that our claim will be properly appreciated and favorable action secured.

The subject therefore is earnestly but respectfully commended to your careful consideration, with the hope that you will devise an efficient plan of co-operation with our delegation in Congress.

With a view to lessen the expenditures of Government, I respectfully renew and earnestly invoke your attention to the recommendations made in my last Annual Message in relation to amendments to the Constitution of the State, and now suggest two others, which I regard as highly important.

The first, in order that the instrument may the more perfectly conform to the spirit of our popular form of government; the second, as conducive to simplicity and economy in the administration of its affairs.

The second section of article 10th, which provides for the calling of a convention as the mode of "revising or changing the entire Constitution," contains no provision requiring the convention, after closing its labors, to submit the Constitution framed to a vote of the people of the State at a general election.

This is certainly a radical defect, and one which should be remedied before clothing any body of men with the power to "revise or change the entire Constitution."

The Constitution, after having been framed and adopted by a convention, permit me here to suggest, should be placed within the reach of every voter, and ample time given to examine carefully its principles, its provisions and its limitations, before called upon by vote to sanction and give effect to it as fundamental and paramount law. I therefore respectfully recommend that this section be so amended as to require the convention to submit the Constitution, after framed, to a vote of the people; the same to have no effect until adopted by a majority of the legal voters of the State, at a general election.

The twenty-first section of the 11th article of the Constitution provides that "all laws, decrees, regulations and provisions, which from their nature require publication, shall be published in English and Spanish."

This section should be so far modified as to allow the Legislature a discretionary power as to what "laws, decrees, regulations and provisions" shall be translated and printed in the Spanish language.

The necessity of such modification is apparent from the fact that the section has heretofore, in practice, been almost wholly disregarded. And, although this requirement has been but partially complied with, so great has been the expense and inconvenience arising therefrom, that its disregard has been a matter of no surprise but has rather been considered as the demand of necessity. In fact, had this provision been fully complied with, had all the "laws, decrees, regulations and provisions" now printed in English, been also published in Spanish, the printing account, now the subject of much complaint, would have been greatly increased in amount, to say nothing of the expense of translation which must have been thereby incurred.

In engrafting on the Constitution these highly important amendments, I recommend the mode prescribed in the first section of the 10th article of that instrument. By adopting this mode of amendment, the expense of a convention, and the excitement incident, will be avoided, and the required changes to free the Constitution of objectionable features secured in a shorter period of time than by the other mode provided in the second section of the same article.

The remaining reforms recommended in my last annual message, with the exception of those finally disposed of by the last Legislature, are also again recommended to your favorable consideration.

By adopting the reforms proposed, it is believed that an annual saving will be effected to the State of three hundred and seventy-one thousand seven hundred dollars, as follows, viz:

Surveyor General,	$2,000
Superintendent of Public Instruction,	4,500
Biennial Sessions,	171,000
Reduction of pay to eight dollars per day; mileage one-half,	110,000
Limiting Session to ninety days,	43,200
Reducing transportation of prisoners from $1 to 50 cents per mile,	8,000
Governor's salary to $6,000,	4,000
Salary of Supreme Court Judges to $6,000,	12,000
Reducing number of District Judges from eleven to eight, about	12,000
Salary of District Attorney of San Francisco,	5,000
Total,	$371,700

A general curtailment of legislative expenditures, and especially that portion of them incident to the clerical duties performed, would also seem to be absolutely necessary.

The enormous sum of one hundred and eighty-two thousand four hundred and twenty-seven dollars and forty-three cents has been paid for clerk hire and to the officers of the two Houses during the sessions of 1852 and 1853. The amount paid last session to officers and clerks alone, was one hundred and six thousand and ninety-three dollars and seventy cents. It is true, that the Executive has no control over the action of either House, so far as the employment of clerks and officers is concerned, and that both in this matter are as independent of the Governor as they are of each other; but as we have recently seen an effort made to hold the Executive responsible for every expenditure of public money, I may be permitted to direct your attention to the subject, and invoke you to co-operation in the work of reform, so necessary to the preservation of State credit.

The people of California not only anticipate that provisions will be made during the present session for the payment of the existing State debt, but they also expect that you will, by reducing the salaries of office generally, so far lessen the expenditures of government that they will not as heretofore, exceed the receipts into the Treasury, and that hereafter it may not be necessary to seek a market for the sale of depreciated evidences of State indebtedness. The great importance of these measures, I trust, will secure your early and favorable action.

In connection with these suggestions, relative to economy and reform, permit me to remind you of the fact, that the Constitution restricts the action of the Executive in these matters to a simple recommendation. I have now, therefore, exhausted my power. I have performed all, in the premises, authorised by the Constitution, and should my recommendations not meet with your approval, I hope some other equally efficient plan will be adopted for the relief of the State. Recommendations similar to those now urged were presented for the consideration of the last Legislature; but most of them were passed over unheeded or neglected, and great dissatisfaction has, during the year, been manifested by our common constituents, who confidently expected that a thorough system of reform would be matured and adopted, and a consequent reduction of taxation justified.

I feel called upon to again direct your attention to our Revenue Laws, complaints against some portions of which, especially the license system, have reached me during the recess, and the question of taxation is, therefore, presented as one deserving of careful examination. In the revision of the system, I am aware that circumstances must, to some extent, control your action, but the well settled principles that taxation shall not be burthensome—that a greater amount shall not be levied than is required to defray the expenses of an economically administered Government—that it shall not be imposed to protect one interest at the expense of another—and that it shall be so assessed as to operate as equally and uniformly upon all as possible, ought not, in any degree be departed from in your legislation on the subject.

The agricultural interest of California, though but partially developed, is now one of conceded importance, and should, as far as it can, consistently with the Constitution, be fostered by judicious legislation. The development of our agricultural resources, it is true, cannot be said to have advanced as rapidly as other of the great interests of the State. But in view of the many and formidable existing obstacles to its rapid development, it is a matter of surprise that so large a portion of our enterprising citizens have engaged in tilling the soil, and that so many valuable improvements have already been made.

The greatest obstacles to the rapid improvement of the country, I would here remark, are to be found in the unsettled condition of land titles, and the fact that the boundaries of but few of the numerous grants throughout the State have been defined by proper authority. Until the titles to these grants shall have been set-

fled and their boundaries accurately ascertained by actual survey, errors will be committed by settlers in locating pre-emption claims.

And, as it is now more than probable that many years must elapse before these obstacles can be removed, by the final settlement of these perplexing questions, judicious legislation for the protection of the *bona-fide* settler, would seem in justice to that enterprising and useful portion of our people, to be absolutely necessary, just and proper.

Entertaining the opinion that in all cases where the location has been made in good faith by the settler, under the impression that there exists no title adverse to that of the General Government, just compensation should be allowed him for all necessary and substantial improvements, in case of ejectment; it is deemed a duty to commend the subject to your favorable consideration.

Before dismissing the question, however, it may be proper to add, that most of the States of the Confederacy have sanctioned the principle by legislating for the protection of the actual settler.

For details your attention is respectfully directed to the Revised Statutes of Illinois, page 211. Hutchinson's Mississippi Code, page 856. Revised Statutes of Texas, pages 969 and 970. Clay's Digest of the Laws of Alabama, pages 320 and 321. Thompson's Digest of the Laws of Florida, page 187. Revised Statutes of Ohio, pages 606 and 696. Revised Statutes of Indiana, page 800. Pennsylvania Digest by Dunlap, page 969. Revised Statutes of Missouri, pages 444 and 445.

With a view to the further encouragement of agriculturists, and as an inducement to diversity of pursuits among the people of the State, I would respectfully call your attention to the propriety of again exerting the influence of the Legislature in an effort to obtain the passage of a law by Congress donating the public domain in California, in limited quantities, to actual settlers, as in Oregon.

There certainly exists no good reason why the Government should, in California, require from the settler one dollar and twenty-five cents per acre, and in Oregon, donate it free of charge.

The California overland emigrant travels about the same number of miles, and two-thirds of the whole distance over the same road; he encounters the same difficulties and dangers; endures similar privations and hardships; and is, moreover, subject to like expenses and sacrifices in making his arrangements at home, as well as losses on the journey.

The discrimination made by the General Government in this matter, adverse to the interests of the settler in California, is therefore regarded as exceedingly unwise, if not unjust, and I trust will be reconsidered by the present Congress, and the public domain in California, as in Oregon, donated in small tracts to actual settlers.

But if Congress cannot be induced to change its policy, and donate the public domain to settlers in California, and if the present act is to remain in force, it certainly ought to be so amended as to extend, at least another year, the time allowed for pre-emption upon unsurveyed lands. If this amendment be not made, and pre-emptions upon unsurveyed lands prohibited after March next, the growth and improvement of the State must be greatly retarded, and the interests of our people very injuriously affected.

By the act of Congress, approved September 28, 1850, entitled "an Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," it is provided "that to enable the State of Arkansas, and other States, to construct the necessary levees and drains, to reclaim swamp and overflowed lands therein, the whole of these swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be and the same are hereby granted to said States."

The second section of the act requires the Secretary of the Interior to make out a list of the lands and a patent therefor, and transmit them to the Governors of the several States interested. Also, that the proceeds of the sale of said lands shall be

applied exclusively, as far as necessary, to reclaim such lands by means of levees and drains.

The third section provides that, "when the greater part of a legal sub-division of land is wet and unfit for cultivation, it shall be included in the list; but when a greater part of a sub-division is not of that character the whole shall be excluded."

The fourth and last section of the Act, makes its provisions applicable to all other States in which swamp and overflowed lands may be situated.

The Act is construed to include "all lands subject to periodical overflow by the influx and currents from the rivers." Lands of this description in the valley of the pass by this grant, even though they may be cultivated for a part of the year without levee or drain.

But as they require such protection for permanent and profitable cultivation, they come within the spirit and purview of the Act, and pass to the States in which they lie, by virtue of its provisions.

The Act will doubtless receive the same construction, when its provisions shall be applied to the swamp lands in the State of California. By it, the State, it is believed, acquires absolute control of the overflowed valleys of the many streams with in her limits, except so far as they may be held by private individuals.

To avail ourselves of the benefit of this Act as suggested in my last annual message, "steps should be taken and an economical plan of operation devised, to effect the early reclamation of the lands thereby donated. Hundreds of our enterprising citizens have already located on these lands, and at considerable expense and labor made valuable improvements thereon. Justice and sound policy require that they should be secured in their possessions on the most reasonable terms. The more liberal the terms, the more certain and prompt will be their reclamation and improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property; and thus, of course, greatly increase our revenue. A partial knowledge of the location of these lands, as well as careful reflection, have satisfied me that their reclamation can be best effected by donating them to actual settlers, in fixed quantities, upon the same terms that we have received them from the General Government. The State must either reclaim each tract as sold, or devise a general plan of operations, which, by means of drains or levees, will reclaim the whole. Such a work will not only require years of labor, and much more treasure than will ever be realized from their sale, but will delay their improvement and greatly retard the prosperity of the State. I, therefore, recommend the passage of an Act donating these lands to actual settlers, in quantities not exceeding three hundred and twenty acres, if such limitation be considered judicious, as a means of reclamation, upon condition that the settler shall defray the expense of selection, and within a stated period reclaim the land occupied; the land to be subject to taxation from and after the day of location."

I still adhere to the opinion expressed in my last annual message, that the "sale or lease of the mineral lands by the General Government, would exert a blighting influence upon the advancing prosperity of our growing State and paralyze the energies of the enterprising body of men now engaged in developing the mineral resources of California. At present there are no exactions upon labor in the mines, and the reasons are, indeed, numerous and cogent why the National Government, in common justice should impose no additional exactions upon the industry and enterprise of our people, or pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which Government should assiduously guard.

The Legislature of 1852, it will be remembered, protested against the policy of locating the Indians within the State upon reservations of land set apart for that purpose; and that the several treaties made by the Indian Commissioners in the year 1851 and 1852, in each of which, it is believed, provision was made for a reservation of land, were all unanimously rejected by the United States Senate.

The action of the Senate was regarded by the authorities and people of California as a definite settlement of the question, rendering further action on the subject, on their part, unnecessary. But it would now seem that we were mistaken—that the wishes of the people of the State, as expressed by the Legislature of 1852, are to be disregarded, and the wise and humane policy, adopted nearly half a century ago, of locating the Indians without the limits of sovereign States, and distant from white population, so far as California is concerned at least, is to be abandoned. The Superintendent of Indian Affairs in California, acting under a law of Congress, passed at the last session, which authorizes him to locate the various tribes, either within the State, or on territory without its limits, is said now to be engaged in collecting them together with the design of locating them permanently at several points within the State. In order the more fully to understand the authority on which is based the present and contemplated action of the Superintendent of Indian Affairs, I subjoin an extract from the law of Congress, passed March 3, 1853, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes for the year ending June 30, 1854," viz: "That the President of the United States, if, upon examination, he shall approve of the plan hereafter provided for the protection of the Indians," be, and he is hereby authorized to make five military reservations from the public domain in the State of California, or the Territories of Utah and New Mexico, bordering on said State, for Indian purposes; *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each; *And provided further*, That said reservations shall not be made upon any lands inhabited by citizens of California; and the sum of two hundred and fifty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California, and removing them to said reservations for protection; *Provided further*, If the foregoing plan shall be adopted by the President, the three Indian Agencies in California shall be thereupon abolished."

In this connection, I would also call your attention to the proviso to the sixth section of an Act entitled "An Act to provide for the Survey of Public Lands in California, the granting of Pre-emption Rights therein, and for other purposes," passed March 3, 1853.

"*And provided further*, That this Act shall not be construed to authorize any settlement to be made on any tract of land in the *occupation* or *possession of any Indian Tribe, or to grant any pre-emption right to the same.*"

It will be observed, that by the above proviso, it is rendered at least questionable, whether the United States do not fully recognise a title in the Indians to *all* lands without limitation, now in their "*occupation or possession*," and entirely preclude the possibility of their settlement by own citizens. Should the Indians, now in the "occupation or possession" of lands, refuse to remove and be located on the contemplated reservations, the white settler, by the above proviso, is clearly debarred from obtaining any "*Pre-emption right* to lands in their *occupation or possession.*"

Impressed with the conviction that the policy indicated by this Act, if carried into effect, cannot fail to exercise a blighting influence on the future prosperity of California, and result in great injury to the Indians themselves, I trust you will feel called upon to assert the rights of the State, and to remonstrate against its consummation.

There certainly exists, at this time, no good reason for a departure, with reference to California, from the settled policy of the Government.

The plan of removing the Indian tribes, and locating them without the States, was first adopted by an Act of Congress, passed March 26, 1804, and by the Act of June, 1834, a large section of country was laid off as Indian territory, to which the Indians east of the Mississippi were from time to time removed. In this way,

the Creeks, the Cherokees, the Chickasaws, the Seminoles, and other tribes, were deported.

In speaking of this wise and humane policy, President Jackson, in his second annual message, says: "It gives me pleasure to announce to Congress, that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population on large tracts of land now occupied by a few savage hunters." Before concluding, he announces this policy to be an "object of much solicitude,"—and adds—"in the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century, so just to the States and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the contract which made them members of the Confederacy. With Georgia, this is an express contract; with the new States, an implied one of equal obligation."

The Government of the United States, in pursuance of this policy, up to December, 1839, had extinguished the Indian title to about one hundred and twenty millions of acres of land, at a cost of seventy-two millions five hundred and sixty thousand and fifty-six dollars, and up to the same date, had removed more than forty thousand Indians to their new homes west of the Mississippi.

But, if there even existed doubts as to the "right of the State to demand their removal," the fact that by the proposed plan, "a mixed occupancy of the same territory by the white and red man," is to be continued, thus jeopardizing the safety and happiness of both," ought definitely to settle the question, and induce the government to abandon a "policy, the impracticability of which, has been clearly demonstrated."

As important rights and interests of the State of California are involved in this question, it is hoped that it will receive, as it merits, your immediate as well as careful and dispassionate consideration, and that you will insist, that in California there shall be no departure from the Indian policy which has so long received the sanction of the Government of the United States.

The whole number of School Land Warrants issued under the Act of 1852, entitled "An Act to provide for the disposal of the five hundred thousand acres of land granted to the State by act of Congress," is one thousand one hundred and twenty-seven. Of this number, eight hundred and six authorize each holder to locate one hundred and sixty acres, and three hundred and twenty-one authorize each holder to locate three hundred and twenty acres. In this manner, two hundred and thirty-one thousand six hundred and eighty acres have been sold.

Additional legislation on this subject may be found necessary at the present session to prevent a monopoly of these lands and preserve inviolate the pledged faith of the State, as well as to secure the lands remaining unsold; the latter of which can be effected either by proper amendments to the existing law, or by authorizing their selection by agents of the State.

The accruing interest on the fund realized from the sale of these lands, by the Constitution, is set apart for the support of Common Schools, and cannot, therefore, be appropriated to any other purpose whatever. This fund is the common inheritance of the children of the State; a fact, which it is believed, cannot fail to induce on your part early and decided action in the premises.

In providing for the sale of these lands, it is but just to state, that the Legislature was not unmindful of other important interests, and therefore fixed the price at two

dollars per acre, which, in State scrip, amounted to but a trifle, if any, more than is now exacted by the Government of the United States.

In framing the law so as to place this land within the reach of all desirous of engaging in the cultivation of the soil, there existed another difficulty.

The Act of Congress donating the land required the State to locate not less than three hundred and twenty acres at any one point. To meet this obstacle, and protect the settler as far as possible, warrants authorizing the location of one hundred and sixty acres were issued, allowing two settlers to locate upon the same tract, in all cases necessary for their accommodation. In this manner about four hundred divisions of the amount authorized to be selected by Act of Congress have been effected, promoting materially the interests of those who were unable to purchase, or who really required no more than one hundred and sixty acres.

The report of the Superintendent of Public Instruction, soon to be presented, will no doubt contain much useful information on the subject of Common School Education. The fund set apart for this very important object, the interest of which is to be appropriated annually, now amounts to $463,360, leaving 268,320 acres of land to be sold, exclusive of the 26th and 36th sections of Public Lands, donated for the same purpose by Act of Congress approved March 3d, 1853. The amount of land to which the State is entitled under the Act of Congress of the 3d of March, 1853, as estimated at the office of the U. S. Surveyor General, is 5,201,244 acres, (see appendix D.,) to which add the 500,000 acres appropriated by the Act of 1841, and we have a grand total of 5,701,244 acres of School Lands, which, if sold at the price fixed in the existing law, viz: $2 per acre, will yield the enormous sum of $11,402,488; the interest upon which, at seven per cent., would annually amount to the sum of $798,174 16; a sum amply sufficient to sustain a system of popular education greatly superior to that of any of our sister States—a system entirely adequate to extend the blessings and bounties of knowledge to every family within the State.

The importance of an efficient system of education, embracing in its comprehensive and benevolent design the whole people, cannot be too often or too urgently pressed upon the consideration of their immediate representatives.

The education of the masses is intimately interwoven with the first of representative duties in a government which has derived form and vitality from the intelligence of the people, and the future existence of which must depend, in no small degree, upon their capacity of judging and deciding correctly upon principles and measures vitally important to themselves and their country.

In the consideration of this interesting subject, it should be borne in mind, not only that our government is favorable to popular education, but that its fundamental principal, the sovreignty of the people, absolutely requires that "every citizen should be well taught in all the principles of his duty." "Correct information," it has been well said, "is the indispensable condition of right action." By our wise Constitution we have given "civil omnipotence to the ballot-box. By our laws we must now give sound education to the voter, or by neglecting it we may endanger the permanency of the free institutions, around which the brightest and "holiest hopes of humanity are clustered."

The Superintendent of Public Instruction, who, it is understood, has faithfully exerted his active energies in devising a plan to secure the intellectual culture of the rising generation, will in his report, it is presumed, make such suggestions as will enable you to legislate intelligently on the subject and to mature a system so perfect in its details as to realize fully in its great results the expectations of those most deeply interested.

Amount of Interest Fund now in the Treasury, derived from the sale of School Lands,	$29,921 56
Collected under Revenue Law of 1853,	22,253 94
From Escheated Estates,	1,014 79
Total amount,	$53,220 29

The above amount the law provides, shall be distributed pro rata among the children of the State within organized school districts. (See appendix, statement F.) Whole number of schools organized, 47; number of children returned as residing within the several school districts of the State, 9,336; number attending school, 4,052.

By the twelfth section of an Act of Congress, approved March 3, 1853, entitled "an Act to provide for the survey of the Public Lands in California, the granting of Pre-emption rights thereon, and for other purposes," two entire Townships, or forty-six thousand and eighty acres are donated to the State for the use of a seminary of learning; "said lands to be selected by the Governor, or such persons as he may designate," and the thirteenth section of the same Act makes a "donation of ten entire sections," or six thousand four hundred acres for the "erection of the Public Buildings of the State," to be selected in a like manner. The report of the agents appointed to make the selections for the State, above referred to, it is understood, will be received in a few weeks. If selected according to instructions, the lands located will command, at public sale, at any time after the selections shall have been approved by the Secretary of the Interior, not less than fifteen dollars per acre. The sum realized from this source for seminary purposes, at fifteen dollars per acre, would be $691,200; for Public Buildings, at fifteen dollars per acre, $96,000.

If judiciously disposed of, the fund realized from the sale of the lands, donated by the twelfth section, will be amply sufficient to enable the State to establish two Seminaries of Learning; one south of San Francisco, and the other at some suitable point in the north.

The amount donated for Public Buildings, though entirely inadequate, will materially aid in their erection.

The agents of the State have selected the lands appurtenant to the old mission of San Luis Rey, on which are now standing buildings valued at seventy-five thousand dollars. The church building, which contains valuable paintings and other fixtures, it is presumed, the Legislature will interfere with, only so far as may be necessary for its protection, but the other building, if this point should be selected for the Seminary of the south, can be made available. [See appendix E., correspondence with Gen. Hitchcock.]

The pre-requisites of securing the approval of the Secretary of the Interior, and a patent for the lands selected, from the General Government, are executive duties, and will be attended to at as early a period as practicable.

A thorough revision of our Militia system is believed to be indispensably necessary. We now have on our statute books two acts of the Legislature: the first passed April 10, 1850, the second May 1, 1852; the provisions of which, to some extent, conflict, and yet both are in force, unless the first should be regarded as constructively repealed by the second.

Should it become necessary to call into active service the Militia of the State, this conflict of law certainly would operate as a very serious obstacle to efficient organization. By the act of April 10, 1850, the State was divided into Divisions and Brigades, and the Legislature, the same session, under the law, elected Major and Brigadier Generals. The officers then elected, it is proper here to state, still hold their places. The Act of May 1, 1852, divides the State into seven Military Districts, the head of each to be an Aid-de-Camp with the rank of Colonel, to be ap-

pointed by the Commander-in-Chief. In this act, it is true, ample provision is made for the organization of volunteer companies, but in other important respects it is very deficient, rendering the organization of any considerable force under it utterly impracticable.

The State of California has heretofore been compelled, almost entirely, to protect her own citizens against Indian aggressions, and in so doing has incurred a heavy debt. The United States, it is true, has had forces in the country, but numerically, totally inadequate to our protection.

In view of these facts, and others not necessary here to communicate, it is believed that every possible encouragement, by legislation, should be extended to independent or volunteer companies, and a Militia system matured, sufficiently comprehensive in its details to combine the whole available force of the State when required for active service, now numbering over two hundred thousand men.

The warlike preparations now being made south of our borders, would seem to justify, on our part, at least, a more full compliance with the requirements of the Constitution and Laws of the United States on the subject of Military organization.

In this connection, it is also proper to inform you that the Legislature of 1852, by joint resolution, applied, through our delegation in Congress, to the President of the United States for "twenty thousand stand of arms, and one thousand Colt's dragoon pistols." Believing that this important matter may not have received attention, the application was by me renewed a short time since.

The arms applied for are much required at this time. In the north the Indians continue hostile, and depredations by them are of frequent recurrence. The southern portion of the State is infested with organized bands of robbers, who are so formidable as to render the execution of the laws by the proper officers exceedingly difficult and dangerous. With the arms applied for, the State could equip, under the law, volunteer military organizations, at exposed points, and through them, render material aid to the civil authorities in the execution of the laws, and, in a short time, give perfect security to the people of the whole State.

It is deemed proper to inform you, that the Pacific Mail Steamship Company, though in the full enjoyment of the protection afforded by our laws, in the prosecution of an extensive and lucrative business, persist in denying the right of the State to tax their vessels, on the ground that the owners of property sought to be taxed, are citizens of other States of the confederacy, and subject to taxation on the same property in the place of their residence. It is true that the taxes due last year were paid by the company under *protest*; but it is also true, that suits have already been instituted by them for the recovery of the whole amount paid, with interest, and the State is now compelled, at great expense, to assert her rights in the Supreme Court of the United States.

I herewith transmit for your information, a copy of a report, received on the 18th of November, 1853, from Gen. E. A. Hitchcock, commander of the Pacific Division of the Army of the United States, exhibiting the number and character of troops under his command in California, and the several points where stationed. This force, as before remarked, is entirely inadequate to the protection of the State. It will be seen that the whole number of troops of the United States, within the limits of this State, as reported by the officer in command, is but six hundred and thirty-one. To this numerically inadequate force, is entrusted the protection of a frontier State, more than six hundred miles in length, about two hundred in width, with tribes of Indians, many of whom are hostile along the whole extent of the eastern boundary, as well as in the extreme north and south. With a view to induce the Government to augment the military force on this coast, permit me to suggest the propriety of the Legislature memorializing Congress to authorise two additional regiments to be organized for service in California.

In this connection, permit me also respectfully to suggest, that in such form as you may deem proper, it is your duty to invite the attention of Congress to the pres-

ent exposed condition of our extended sea board, and to invoke them to provide as speedily as possible, the fortifications necessary to render perfectly secure, against hostile attack, the commercial emporiums of the State. At present they are in such an exposed condition, that if assailed by a hostile fleet, it would be almost impossible to prevent their entire destruction. The subject is one of such immense importance to our people and our commerce, that it need only be mentioned, it is presumed, to induce on your part the action necessary to secure its presentation in proper form, for the consideration of the General Government.

The act entitled "an Act concerning Roads and Highways," approved April 11, 1850, it is generally maintained, requires important amendments. At the time of its passage, the country was open; few enclosures had been made, and the provisions of the act, perhaps, fully adequate to the wants of the State. But since that time, great changes have been effected—the land in many counties is so generally fenced in or ditched, that travel is rendered difficult, and the distance between points greatly increased by the circuitous route necessarily traveled to avoid enclosures.

All necessary thoroughfares should be, not only as direct as the face of the country will admit, but well defined by competent authority. It is true, that private property cannot be applied to public use, without adequate compensation therefor; but where it is absolutely necessary for the public convenience, it can be appraised by commissioners, and its actual value paid. While no man can be divested of his property without an equivalent, private rights must yield to the public good In some sections of the State the want of well defined highways has been the source of much inconvenience to the public—and the evil will increase until remedied by proper legislation. The subject is worthy of careful examination, and I hope will, at an early day, receive the attention it merits.

The Act entitled "an Act to provide for the Public Printing," approved April 29, 1852, authorized the Governor and Comptroller "to receive proposals, and enter into a contract with the persons proposing to do the work at the lowest and most advantageous terms to the State." After having given the notice required by law, on the designated day, the two bids received were opened and compared, and the contract awarded to the lowest bidder.

Notwithstanding the work was awarded, as required by law, to the lowest bidder, and the accounts rendered and settled, in strict conformity with the rates stipulated in the contract, the public printing is understood to have cost more in the aggregate than it would have done if executed at the prices fixed in a bill, which passed the Assembly during the same session, and for which the existing act was substituted in the Senate.

The contract system, I would here state, after having been fully and fairly tested, has been abandoned by most of the States, as well as by the National Government.

In order to remove just cause of complaint, and secure the prompt execution of the public printing on the most favorable terms possible, I would respectfully recommend the passage of an act creating the office of State Printer, and authorizing the election of that officer by the Legislature.

Let the same act, also establish fair and reasonable prices for the different descriptions of public printing required—define the size of pages—the kind of letter to be used, respectively in legislative reports, the laws, journals, and bills—the number of *ems* each page shall contain—the matter to be as compact as possible in the pages, without injury to the appearance of the work, and reserve to the Comptroller, the right, in the settlement of the printing accounts, after examining carefully the work executed, to allow or refuse compensation for blank pages.

The fact, that at the time the existing contract for public printing was entered into State scrip did not command, in the market, more than seventy-five cents on the dollar, and that now, ninety-three can readily be obtained, would alone justify a considerable reduction in prices.

The exercise of proper care and judgment, both as to matter and amount, in or-

dering printing to be executed, permit me here to remark, is equally as necessary, as a measure of reform, as the reduction of prices to a fair cash standard. It is believed that, heretofore, more printing has been ordered and executed during the session than was absolutely required for the information of the people, or to facilitate and secure enlightened legislation. By the exercise of sound discretion in this respect, the amount of printing, no doubt, can be greatly reduced.

The reforms and reductions proposed, would, it is anticipated, in the aggregate, lessen the expenditures for Public Printing considerably more than one-third the whole amount now paid.

The last Legislature having adjourned without electing a Quartermaster General, and the Physicians and Trustees for the State Marine Hospital in the city of San Francisco, and the Asylum for the Insane at Stockton, as required by law, the duty of filling these vacancies, until the meeting of the present Legislature, devolved on the Executive.

The appointments were made, and the incumbents will hold their offices until their successors shall have been elected by the Legislature. It is hoped that this important matter will receive immediate attention.

In California the afflicted and infirm have ever been the objects of peculiar care and protection. To the appeals of the sick and destitute, the aged and infirm, the young and helpless, the hearts of our people have ever been open, and the hand of charity freely extended.

Private benevolence has done much, and will, doubtless, do more, towards alleviating the wants of suffering humanity in our midst; but to the State do the people look for that extended aid to the sick and insane, which their condition and necessities demand.

In providing for the sick and insane, large sums of money have been annually expended by the State, and a portion of the existing debt thereby incurred. The State Marine Hospital has, during the year, cost the State more than forty thousand dollars, over and above the amount of the special tax allotted to it by law.

The Insane Asylum at Stockton, including the buildings erected, has also, during the year, cost the State a large sum from the General Fund.

If possible, provision should be made for a more economical administration of these institutions, and expenditures so far reduced, at least, as hereafter to render unnecessary appropriations from the General Fund.

During the year, about seventy-five thousand dollars have been paid from the General Fund in erecting buildings for the insane in the city of Stockton. The principal, or brick edifice, is one hundred and thirty feet in length, fifty feet in width, two stories high, is well finished and furnished, and the interior arrangements admirably adapted to the purpose for which it was erected. The other, a frame structure, is forty feet square, and well finished. There are about one hundred acres of very superior land attached to the asylum, a small portion of which has been enclosed.

The whole number of insane in the establishment on the 15th of December, 1853, was one hundred and one—ninety-one males and ten females.

The whole number of patients admitted into the State Marine Hospital at San Francisco, since the first of July last, was fourteen hundred and forty-five males, and forty-two females. On the twenty-third of December, 1853, there were in the Hospital three hundred male patients, and eleven females. Of the whole number admitted since July, nine hundred and twenty-one were patients for the support of whom the city of San Francisco is responsible to the State.

The Act entitled "an Act to provide for the erection of a State Prison," passed May 1, 1852, it will be recollected, was repealed by the last Legislature, and the contract, which had been made in pursuance of it, declared null and void.

By an Act passed May 11, 1853, entitled "an Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," the

Lieutenant Governor, Secretary of State, and Treasurer of State, were constituted a Board of Commissioners, and authorized to enter into a new contract for prison buildings, of sufficient dimensions to accommodate about two hundred and fifty prisoners. The Board of Commissioners, as authorized by the Act, on the fifth day of July, entered into a contract with Thomas D. Johns for the requisite prison buildings

The building authorized by the contract to be erected, it is understood, will be completed and ready for occupancy in about ten days. When reported finished by the contractor, the work will be carefully examined by the Commissioners, and if found to be executed according to contract, will be received by them, on behalf of the State.

The whole number of convicts, on the 30th of December, was two hundred and forty-two; two hundred and forty males and two females.

The project of connecting the Pacific with the Atlantic ocean, by means of a railroad across the continent, it can, with truth, be said, is favored by the whole people of California; and they, too, are as deeply interested in its speedy completion as those of any other section of the Union. The subject during the past year has engaged so much of their attention, that it would be superfluous, at this time, for me to point out, at length, the great commercial advantages to be derived from it, or to present facts demonstrative of its practicability. The people of this, the youngest of the sovereign States, properly appreciate the importance of this great work to the Union; and they unanimously favor it, not only as a measure which must incalculably advance all the great interests of the Pacific country, and add greatly to its wealth and prosperity, but because it will connect in interest, as they are now united in feeling, the people of the extreme sections of this great Confederacy. So far as California is concerned, it is only necessary to give the assurance that her aid will be cheerfully extended, in every form consistent with her own and the Constitution of the United States.

The establishment of regular oceanic communication, by steam, between San Francisco and Asia and the Indies, is regarded as a matter of vital importance to California. Regular communication, by steam, with the principal ports of the Eastern world, cannot fail to promote friendly relations, and consequently, greatly increase our commerce.

That it is the province of Congress, in some form, to aid in the consummation of this great project, is most true, but in view of its immense importance to our commerce, I cannot refrain from suggesting such an expression of opinion on the subject, on your part, as will clearly and unmistakeably indicate the anxiety of our people for the success of an enterprise, which must add to our present wealth, and eventually secure for our country a trade for centuries coveted, and in turn possessed, in part, by the different commercial nations of the globe.

The improvement of the Sacramento and San Joaquin rivers, is a subject worthy of careful examination. The expenditure of a comparatively small sum in improving the "Slough," and removing the bar in the Sacramento river, at the mouth of Cache creek, and in making the channel of the San Joaquin more direct for about thirty miles, would render the navigation of these rivers safe and easy at all seasons of the year, for steamers of the largest class.

The appropriations suggested, it is contended, can be made without infringement upon constitutional restrictions. Sacramento and Stockton have, by law, been declared "Ports of Entry," and vessels can, and frequently do, clear from Atlantic and foreign ports direct for both these growing cities.

The expenditure of a few hundred thousand dollars from the national treasury, in improving these rivers, it is therefore maintained, would not only result in great benefit to the people of the State, but promote the interests of commerce, which the Constitution declares "shall be regulated by Congress."

The Sacramento, San Joaquin, and Feather rivers, all require considerable im-

provement at points above "Ports of Entry," to render navigation easy and less hazardous, at certain seasons of the year; but these improvements must be provided for, either by appropriations directly from the treasury of the State, which it is hoped can, a year or two hence, be done without detriment to the public interests, or by the assessment of a light tonnage tax, which the Constitution clearly authorizes, and which, in a few years, would yield a fund amply sufficient to perfect the improvements necessary to render their navigation certain at all seasons.

The report of the Commissioners appointed under an Act entitled an Act to provide for the sale of the interest of the State within the water front of the city of San Francisco, as defined in the Act of the 26th of March, 1851, will soon be transmitted.

Two sales have been held, at which sixty-two lots were sold for the sum of $473,475.

Injunctions issued by the Judge of the Superior Court of San Francisco for some time interfered with their action and prevented them from effecting a third sale, as intended, before the meeting of the Legislature. It is now believed, however, that no further opposition will be made to the sale of the State's interest in the Government Reserves; and that, if permitted to proceed without further molestation, they will be able to dispose of the whole property, including the State's reversionary interest in the lots released to the city by the Act of March 26, 1851, before the 1st of January, 1854.

To the able report of the Comptroller of State you are respectfully referred for indispensable statistical information in relation the receipts and expenditures of the last year, and valuable suggestions in regard to the collection and disbursement of the revenues of the State.

The annual report of the Surveyor General, herewith transmitted, contains suggestions of importance, and I would especially invite your attention to that portion of the report relative to the "floating" of School Land Warrants, and the location in two or more different counties of the same warrant. The amendments to the existing law proposed by the Surveyor General, are recommended as important and necessary.

Copies of the annual reports of the Treasurer of State, Attorney General, and Quartermaster General, are also herewith transmitted. These reports contain interesting statistical and other valuable information.

Copies of communications from the Secretary of the Navy and the Attorney General of the United States, in relation to the State's interest in Mare Island, are herewith transmitted. The Attorney General, in his communication to the Secretary of the Navy, it will be seen, suggests as an indispensable prerequisite to any lawful expenditure of public money on Mare Island, that the State of California be invited to relinquish to the United States whatever claim, if any, she may have to the shores or the overflowed lands of Mare Island." The General Government, it is maintained, cannot appropriate to its use that portion of property most required for the public works at Mare Island without the consent of the State.

The subject is of some importance, and I trust will engage your immediate attention, so that I may be enabled to communicate, at an early day, your decision in the matter to the Secretary of the Navy.

Although deeply impressed with the importance as well as the necessity of economising in every department of the State Government, I feel it incumbent upon me to direct your attention to the insecure condition of the public archives. The entire public records, as well as the State Library, now numbering about four thousand volumes, are kept in fragile frame buildings, without fire-proof vaults or safes.

The public records are now invaluable, and if destroyed could not be replaced, and their loss would involve the State and individuals in serious difficulties. In other States of the Confederacy, the officers are provided with substantial brick or stone buildings, and the public records rendered entirely secure by being deposited

in fire-proof vaults or safes provided for that purpose. In this truly important matter we are admonished of the necessity of increased safeguards by the many and terrible conflagrations which have occurred during the past year. I trust, therefore, that you will, without delay, adopt such measures as you may deem necessary to render entirely secure the public archives in the several offices, and also the State Library.

An Act entitled an Act to regulate Fees in Office, approved May 1, 1851, requires careful revision and radical change. The fees authorized to be collected are exorbitant, amounting in some cases almost to an absolute denial of justice. The reduction in necessary expenses of every character, since the passage of the Act has been so great that the public officer can now render the services required by law for much less compensation. I trust, therefore, that the subject will receive attention, and the Act referred to so modified as to remove just cause of complaint.

The attorneys' fees allowed by an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice in this State, approved April 15, 1851, are also the subject of general complaint, and in fact are enormous, considering the service rendered. I would therefore respectfully suggest that this Act be so amended as to allow the plaintiff's attorney, in suits for the recovery of money, to collect from the defendant a reasonable per centage on the amount recovered, leaving fees in all other cases matter of contract, and payable by clients.

The report of the joint committee appointed at the last session of the Legislature to investigate the books and papers in the offices of the Comptroller and Treasurer of the State, is herewith transmitted. The committee have been thorough in their investigations, and the facts, by them reported, are not only important to the people of the State, but will materially aid you in the discharge of your legislative duties. The recommendations of the committee are worthy of careful consideration, and I would especially call attention to their suggestions in relation to *cash* payments from the Treasury

A communication from the Secretary of State of the United States, dated Washington City, October 19, 1853, inviting the attention of the Executive to the seventh article of a "Consular Convention between the United States of America and his Majesty the Emperor of the French," and the reply of the Executive thereto, are herewith transmitted.

A copy of the article referred to in the communication of the Secretary of State, is also transmitted for your information.

Having fully and unreservedly expressed my own views in relation to the more important subjects which it is expected will engage your earliest deliberations, and recommended measures for your approval which, after thorough investigation and mature reflection, have the sanction of my own judgment, it only remains for me, in conclusion, to give assurance of my entire willingness to co-operate with you in the consummation of every measure regarded as necessary to the future prosperity and greatness of the State, and the welfare and happiness of the whole people.

Imploring the Great Creator of the Universe to direct you in all your deliberations, the rights, interests, and honor of the free people of a sovereign State, are committed to your enlightened and protecting care.

JOHN BIGLER

APPENDIX TO GOVERNOR'S MESSAGE.

STATEMENT A.

Exhibiting the amount of indebtedness incurred prior to January 1, 1852, and audited and paid after that date.

War Bonds issued for service in 1850 and 1851,	$478,883 86
Hospitals under Act of 1851,	351,618 36
B. B. Buchanan, keeping prisoners 1850 and 1851,	26,883 00
P. Dunlap,	20,000 00
J. C. Hays,	6,062 00
R. P. Ashe,	4,334 00
James Burney,	3,601 00
George Work,	10,000 00
Laws and Journals of 1851,	39,557 08
Spanish Laws of 1851,	8,277 75
" " "	1,719 00
Translation of do.,	4,136 70
For disbanding troops called out in 1851, at Los Angeles, under Gen. Bean,	435 00
E. D. Hammond, expenses of removal from San Jose,	170 00
W. M. Smith, " " " "	170 00
A. G. Kimball, " " " "	150 00
W. Van Voorhies, " " " "	150 00
W. G. Marcy, expenses of trip in 1850 to Monterey, for State Archives,	90 00
E. J. C. Kewen, Attorney General in 1850,	1,500 00
B. B. Chapman, lost Warrant, 1851,	781 00
W. P. Hartnell, extra translating, 1851,	690 00
J. F. Howe, Private Secretary to Gov. McDougal,	250 00
J. R. Shaefer, District Attorney, 1850,	500 00
Balance due for publishing laws of 1851 in newspapers,	8,400 00
District Attorney for 1851,	26,934 21
Lithographing Funding Bonds of 1851,	1,500 00
Traveling expenses in procuring bonds of 1851,	150 00
Reward paid Nicholas Blair,	500 00
Reward paid J. F. McFarland,	500 00
Reward paid J. H. Bean,	1,000 00
A. G. Kimball, for distributing Laws and Journals, 1851,	1,000 00
Morton Reveau & Co., for State Bonds of 1851 destroyed,	915 00
Elean Heydenfeldt, by order of Supreme Court, 1851,	4,020 00
E. H. Tharp, fees as Clerk of Supreme Court, 1850 and 1851,	1,000 00
For Indexing and removing Archives from Monterey, 1850,	1,000 00
Robert Hopkins, arresting a fugitive from justice, 1851,	115 00
W. J. Whitney, for furniture for Senate and Assembly, 1851,	23,781 82
Tobin & Duncan, for chairs, &c.,	1,232 00
Green & Baldwin, as committee to select public grounds at Vallejo,	600 00
Soule & Page, lumber furnished State at Vallejo,	1,622 38
Lovett & Co., " " " "	365 90
J. Hammond, " " " "	369 96
Ed. Barry, for carpenter's work at Vallejo,	2,039 00

C. H. Veeder, services rendered at Vallejo,	205 00
M. C. Daugherty, " " "	75 00
Thos. J. Green, " " "	253 80
J. B. Clement's judgment against Town Council of Stockton, under Act 1851,	2,613 60
Patrick Gallagher,	300 00
Margaret Francis,	300 00
M. F. Robinson,	1,166 00
Wm. H. Cressy,	200 00
C. L. Williams,	300 00
Jackson Sellers,	200 00
J. F. Stephenson,	210 00
Russel & Scott,	2,100 00
John Flood,	300 00
A. A. Brinsmade,	200 00
J. D. Carr, for lost Warrants, 1851,	1,097 00
M. C. Daugherty, service, 1851,	125 00
Capt. Card,	790 00
William Rogers,	250 00
Lorenzo Hubbard, rents, 1851,	1,058 00
Taafe & McCahill, carpets, 1851,	2,056 00
Cronin, Markle & Co., materials,	900 00
L. McMahon, "	80 00
W. A. Halley & Co., "	30 00
Cooke & LeCount, "	472 50
Lyman Leslie, "	10 00
L. Hastleton, "	30 00
Rogers Palmea, "	90 00
Hinckley & Davis, "	39 00
	$1,052,490 92

The foregoing statement is correct, as appears from the records of this office.

WINSLOW S. PIERCE,
Comptroller of State.

STATEMENT B.

Exhibiting the appropriations made by the Legislature during the years 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government.

Appropriations for the purchase of Hospital Buildings at Sacramento, 1852,		$25,000 00
"	for relief of Overland Immigrants,	25,000 00
"	building of State Hospital at Stockton,	15,000 00
"	" for Insane " "	10,000 00
"	support of Insane,	7,500 00
"	removal of Insane to Stockton,	1,000 00
"	State Prison Ground,	10,000 00
"	Map of the State,	3,000 00
"	support of Indigent Sick at San Diego.	2,000 00
"	blocks of Marble for Washington Monument,	12,000 00
"	State Hospital Building Stockton, 1853,	30,000 00
"	Insane Asylum, " " "	50,000 00
"	State Marine Hospital, under 26th section of Act of 1853,	42,319 78
"	building of State Prison,	153,315 00
"	William Waldo for relief of Immigrants	27,000 00
"	E. C. Pickett, relief of Sick,	9,500 00
"	J. B. Trask, Geological Survey,	2,000 00
"	Dr J. B. Monnett, service to sick Immigrants,	1,000 00
"	Dr. A. G. Hartt, " " "	596 00
"	Joseph Walker for Exploring Mountain Pass,	500 00
"	R. Clarke and Wm. Crane for plan of State Prison,	620 00
"	Capt. Love's Rangers,	9,000 00
		$436,350 78

STATEMENT C.

Exhibiting the Amount of Expenses incurred by the several Departments of Government, annually, since its organization

Legislature, (printing included.)

Session of 1850,	$320,144 46
" 1851,	375,929 23
" 1852,	409,008 82
" 1853,	389,619 48
	$1,494,701 69

Executive Department.

Salaries of State Officers and contingents, 1850,	$26,568 30
" " " " 1851,	65,870 00
" " " " 1852,	94,600 00
" " " " 1853,	102,607 04
	$289,645 34

Judiciary.

Salary of Judges and contingents, 1850,	$26,996 50
" " " 1851,	135,915 00
" " " 1852,	142,000 00
" " " 1853,	126,697 09

Total amount of Expenditure in four years, $2,215,855 62, averaging $553,963 90 per annum.

[Copy.]

D.

SCHOOL LANDS.

U. S. SURVEYOR GENERAL'S OFFICE,
San Francisco, Cal., Oct. 8, 1853.

DEAR SIR:

Yours of the 7th (yesterday) is at hand, in which you express a desire to ascertain as accurately as possible the number of acres of land the State will be entitled to under the laws of Congress granting section 16 and 36 in each township for School purposes.

At present we have no means in this office, from actual survey, of ascertainining the precise area of the State, but assuming the estimate of Mr. Eddy, the late Surveyor General, as correct, we have for the area 146,285 square miles, equal to 93,662,400 acres.

The State being entitled to two sections from each township of thirty-six sections, or one-eighteenth of the whole, the State's proportion will be five million, two hundred and one thousand two hundred and forty-four acres, (5,201,244.)

I am, Sir, very respectfully,
Your obedient servant,
LEANDER RANSOM.

Hon. JOHN BIGLER,
Benicia, California.

[Copy.]

E.

SEMINARY LANDS.

EXECUTIVE DEPARTMENT,
Benicia, Oct. 6, 1853.

Gen. E. A. HITCHCOCK:

Sir,—I have been informed that you, as Commander of the Pacific Division, have possession of the Mission of San Luis Rey and the land appurtenant thereto, and that you are willing to give the possession of the same to the State, upon condition that the troops now quartered there be permitted to remain until required elsewhere, or until the necessity of their remaining at that place shall cease. An early reply, as to the correctness of this information, is respectfully requested.

Very respectfully, &c.,
JOHN BIGLER.

Gen. E. A. HITCHCOCK,
Commander of the Pacific Division,
San Francisco, California.

HEAD QUARTERS PACIFIC DIVISION,
San Francisco, Oct. 10, 1853.

His Excellency, JOHN BIGLER,
Governor of California:

Sir,—I have just this moment had the honor to receive your Excellency's communication of the 6th inst., in regard to the Mission of San Luis Rey, and beg to say, that in conversation with distinguished gentlemen, having the interest of the State at heart, I have expressed my willingness to aid the Executive of the State in appropriating the lands known as the Mission of San Luis Rey, for the establishment of an Institution of Learning, so far as might be in my power, subject to the approval of the Government of the United States. For this purpose I am willing to give possession of the place to your Excellency, or your properly authorized agent, on behalf of the State, subject to approval at Washington, reserving the right to quarter and accommodate there, so long as may be necessary in the judgment of the Commanding Officer, of the U. S. troops in the Division embracing that point.

Should you think proper to depute an agent to receive the Mission, I will thank you to state in your warrant the object in view, in conformity with which I will take a receipt, which I will transmit to the Government at Washington, recommending its sanction.

I have the honor to be,
Very respectfully,
Your obedient servant,
E. A. HITCHCOCK,
Colonel 2d Infantry,
B. B. General Commanding.

Executive Department,
Benicia, October 11, 1853.

Gen. E. A. HITCHCOCK,
Commander Pacific Division, U. S. A.

Sir:

Your favor of the 6th instant is before me. In reply, I have the honor to state that by the 12th section of an Act of Congress, entitled "an Act to provide for the Survey of Public Lands in California, the granting of pre-emption rights therein, and for other purposes," approved March 3, 1853—the Governor of the State of California, or any other person he may designate for that purpose, is authorized to select two entire townships, or seventy-two sections, for the use of a seminary of learning. I desire to select the Mission of San Luis Rey, and lands appurtenant, under the section of the Act of Congress referred to above. I hereby assent to your request in relation to the quartering troops at the Mission, so long as it may, in the opinion of the commanding officer, be necessary.

In conclusion, allow me to take this opportunity of returning you my sincere thanks for the interest you have so kindly and frequently manifested in the welfare and prosperity of this State.

I have the honor to be,
Very respectfully,
Your obt. servant,
JOHN BIGLER.

Head-Quarters, Pacific Division,
San Francisco, October 12, 1853.

His Excellency JOHN BIGLER,
Governor of California:

Sir:

I have the honor to acknowledge the receipt of your Excellency's communication of the 11th inst., expressing your desire to select the Mission of San Luis Rey, and the lands appurtenant thereto, for a seminary of learning, as authorized by the 12th section of the Act of Congress, approved March 3, 1853. and to say that so far as I can aid in the execution of your wishes, it will afford me great pleasure to do so, and for this purpose I will place in possession of the Mission, any person you may name to receive it. As indicated in my letter of the 7th instant, I will forward the papers in the case for approval at Washington City.

I have the honor to be, sir,
Very respectfully,
Your obt. servant,
E. A. HITCHCOCK,
Col. 2d Regt., Brevet Brig. Gen. Com'g.

[DUPLICATE.]

Head-Quarters, Pacific Division,
San Francisco, October 26, 1853.

Sir:

The Hon. J. J. Warner has exhibited to the Brigadier General commanding, an appointment as Commissioner from his Excellency Governor Bigler, empowering him to select the lands donated by Act of Congress, passed March 3, 1853, to the

State of California, for a State University; and Colonel Warner has expressed his purpose of executing the wishes of the Governor, as communicated to the General, October 11, 1853, to select the Mission of San Luis Rey, under this commission.

The General desires you to detach an officer on the application of Col. Warner, who will proceed to the said Mission, and deliver the possession of it to him for the purpose expressed in his commission, taking a receipt from him for the same, subject to the approval of the Government of the United States.

The officer will then remove the detachment of troops now at the Mission, and report with it at the Mission of San Diego.

I am, sir,
Very respectfully,
Your obt. servant,

E. D. TOWNSEND,
Asst. Adjt. General.

Capt. H. S. BURTON, 3d Artillery,
Mission, San Diego.

Head-Quarters Department of the Pacific,
San Francisco, December 19, 1853.

Sir:

I have the honor to acknowledge the receipt of your Excellency's communication of the 17th inst., in reference to the Mission of San Luis Rey, and enclose herewith a duplicate of an order furnished to Col. Warner, which I suppose would answer the purpose desired, and with it I send another order for you to place in the hands of any person or persons you may direct as Commissioners, to take possession of the Mission in the name of the State. If your Excellency will please send both orders at the same time, there can be no further difficulty.

Col Warner, I presume has not been to the Mission.

Very respectfully,
Your ob't servant.

E. A. HITCHCOCK,
Br't Brig. General Com'd'g.

His Excellecy, JOHN BIGLER,
Governor of California.

Headquarters Department of the Pacific.
San Francisco, December 19, 1853.

Sir:

The General commanding directs that, should any person exhibit authority from the Governor of this State to receive the Mission of San Luis Rey, on behalf of the State, you take measures to execute the instructions of 26th of October, delivered to the Hon. J. J. Warner, for you, a duplicate of which is herewith enclosed.

I am, Sir,
Your ob't serv't,
E. D. TOWNSEND,
Assistant Adj't General.

Capt. H. S. BURTON, 3d Artillery,
Com'd'g Mission, San Diego, Cal.

STATEMENT F.

Exhibiting the amount of School Fund distributed on the 1st of January, 1854, being five dollars sixty cents and two mills to each child returned as within organized School Districts, as follows:

COUNTIES.	NO. CHILDEN.	AMOUNT.
Butte,	55	$306 16
Calaveras,	209	1,170 96
Contra Costa,	258	1,445 55
Humboldt,	54	302 51
Klamath,	31	173 70
Los Angeles,	721	4,039 55
Mariposa,	40	224 12
Monterey,	507	2,844 59
Nevada,	193	1,081 32
Placer,	95	532 27
Sacramento,	133	745 16
San Bernardino,	196	1,098 13
San Francisco,	3,252	18,220 04
San Joaquin,	571	3,109 14
San Luis Obispo,	300	1,680 82
Santa Clara,	1,298	7,272 29
Santa Cruz,	243	1,361 44
Santa Barbara,	347	1,944 15
Shasta,	194	1,086 91
Sierra,	44	246 52
Siskiyou,	70	392 19
Solano,	312	1,348 02
Sonoma,	99	554 66
Trinity,	35	196 10
Yuba,	242	1,355 99

From the counties of Alameda, Colusi, El Dorado, Napa Marin, San Diego, Sutter, Tuolumne, Tulare and Yolo, no returns were received.

Mr. McFarland moved that 4000 copies of the Message be printed in English and 500 in Spanish.

On motion of Mr. Whiting, the Senate adjourned until Thursday morning 11 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, January 5, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr, Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Sprague presented a resolution that the Secretary of the Senate be authorised to employ such clerks as assistants, not to exceed three, as he may think proper.

Mr. Hager effered a resolution to appoint a Special Committee to fix the compensation of officers of the Senate.

Messrs. Hager, Hall and McFarland were appointed the Committee.

The following message was received from the Assembly:

MR. PRESIDENT:

I am directed to inform the Senate that the Assembly have this day passed a Concurrent Resolution, which is herewith presented, and they respectfully ask your concurrence.

B. McALPIN,
Clerk.

Resolved, By the Assembly, the Senate concurring, That the two Houses convene in the Assembly Chamber on to-morrow, at 12 o'clock, M., to canvass the returns for Governor and Lieutenant Governor of the State.

Mr. Lyons moved to concur in Assembly resolution.

Which was agreed to.

Mr. Sawyer gave notice that he would, on to-morrow, or some day soon, introduce a bill for an Act to repeal an Act to authorize the County Surveyor of Calaveras county to rent an office, approved May 7, 1853.

Mr. Hook gave notice that he would, at an early day, introduce a bill to repeal an Act to provide for the better publication of Official and Legal notices, approved May 3, 1853.

Mr. Hall presented a resolution requesting the Secretary of State to communicate

to the Senate any information in his possession in regard to the publication of the Codified Statutes, and when they may be ready for distribution.

The following resolution was offered by Mr. Catlin:

Resolved, That the Secretary of State be requested to furnish the Senate with any information he may possess in regard to the publication and distribution of the Official Map of the State, provided for by an Act approved March 25, 1853.

Mr. Smith presented a resolution to provide a fund to defray the contingent expenses of the Senate.

Which, by consent, was laid upon the table.

Mr. Smith also presented a resolution that the Sergeant-at-Arms be authorized to contract with the Post Master of this place for the payment of all postage on letters, papers and documents received or sent by members of the Senate during the session.

Which was adopted.

Mr. McFarland presented the following:

Resolved, That a committee of three be appointed to examine the reports accompanying the Governor's Message and inquire into the propriety of printing any or all such documents.

Messrs. McFarland, Leake and Colby were appointed the committee.

Mr. May offered the following:

Resolved, That the resolution to supply Senators with five daily papers, be construed to allow them to select weekly or other than weekly papers, not to exceed the aggregate cost of the five daily papers.

Mr. Sprague moved to amend by striking out the word "cost" in last line, and insert the word "number."

Which was lost.

Mr. Catlin offered as a substitute, that the resolution heretofore passed, authorizing the Sergeant-at-Arms to furnish each Senator five daily papers, be construed to allow them any number of weekly, semi-weekly, tri-weekly or daily papers, equivalent in number to five dailies.

Which was lost.

The vote recurring on the original resolution,

It was adopted.

Mr. Coffroth moved to adopt the rules of the Senate as engrossed.

Mr. Wade moved that they be adopted *seriatim*.

Which was agreed to.

Each rule was adopted without objection, until the 16th being under consideration,

Mr. Lyons moved to amend, by inserting "acting" before the word President.

Mr. Crabb moved to amend, by inserting after the word President, "or in his absence, by the President *pro tem.*, or in the absence of both, by the acting President."

Which was accepted by Mr. Lyons.

The yeas and nays were demanded by Messrs. Lyons, Coffroth and McFarland.

Mr. Coffroth proposed substituting after the word President, "or in his absence or failure to appoint, by the President *pro tem.*"

Messrs. Coffroth, Lyons and Sprague, demanded the yeas and nays.

Which being called,

Those who voted in the affirmative were,

Messrs. Coffroth, Hager, Lent, Mahoney, Moore, Stebbins, and Whiting—7.

These who voted in the negative were,

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, De la Guerra, Hall, Hook, Hudspeth, Kendall, Leake, Livermore, Lyons, May, McFarland, McGarry, Sawyer, Smith, Sprague, Tuttle, Wade, and Walkup—23.

So the amendment was lost.

The yeas and nays being then called on the original amendment,

Those who voted in the affirmative were,

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, De la Guerra, Hall, Hook, Hudspeth, Kendall, Leake, Lyons, May, McFarland, Sprague, Tuttle, Walkup—17.

Those in the negative were,

Messrs. Coffroth, Colby, Hager, Lent, Livermore, Mahoney, Moore, McGarry, Sawyer, Smith, Stebbins, Wade, Whiting—13.

So the amendment prevailed.

The reading proceeded, and the rules were adopted without opposition, except the 23d, which,

Mr. Tuttle moved to amend, by striking out so much of it as reads "Committee of Vice and Immorality."

Which was lost.

The President *pro tem.* announced the Standing Committees as follows:

STANDING COMMITTEES OF THE SENATE.

1. *Claims:* Walkup, Catlin, and Lent—3.

2. *Finance:* Sprague, Keene, Hager, Crenshaw, and Colby—5.

3. *Judiciary:* Hager, Sprague, Hall, Crabb, Smith, Catlin, Coffroth, Bryan, and Whiting—9.

4. *Elections:* Stebbins, Mahoney, and Crabb—3.

5. *Public Lands:* Keene, Hager, Coffroth, McGarry, and Kurtz—5.

6. *Commerce and Navigation:* Lent, Stebbins, Catlin, Moore, and McFarland—5.

7. *Public Expenditures:* Lyons, Hook, and Sawyer—3.

8. *Federal Relations:* Coffroth, Tuttle and Bryan—3.

9. *State Hospitals:* Kendall, Keene, Mahoney, Hudspeth and Peck—5.

10. *Mines and Mining Interests:* Gardner, Walkup, Lyons, Coffroth, Hook, Peck and Livermore—7.

11. *Indian Affairs:* Bryan, De la Guerra, McGarry, Wade and Hall—5.

12. *State Prison and Public Buildings:* Whiting, Kendall and Crabb—3.

13. *Education:* McFarland, De la Guerra and Bryan—3.

14. *State Library:* May, Lent and Sawyer—3.

15. *Counties and County Boundaries:* Leake, Livermore and Gardner—3.

16. *Corporations:* Crenshaw, Hagar, May, Wade and Bryan—5.

17. *Agriculture and Missions—Mission Lands:* De la Guerra, Grewell, Kurtz, Whiting and Kendall—5.

18. *Public Printing:* Moore, Crenshaw and Walkup—3.

19. *Roads and Highways:* Colby, Smith and Stebbins—3.

20. *Contingent Expenses:* Hudspeth, Colby and Tuttle—3.

21. *Military Affairs:* Hall Whiting, Wade, Mahoney and McFarland—5.

22. *Engrossed Bills:* Tuttle, Lyons, Sawyer, Lent, Kendall and Leake—6.

23. *Enrolled Bills:* Smith, Sprague, Crenshaw, Moore, May and Peck—6.

24. *Vice and Immorality:* Hook, Colby, Grewell, Kurtz and Lyons—5.

25. *Mileage:* Livermore, Wade and Sawyer—3.

Mr. Hagar introduced the following resolution;

Resolved, That the Committee on Rules, (consisting of Messrs Coffroth, Wade and Sprague,) be appointed to act with a similar committee of the Assembly, to prepare and report joint rules and orders for the Senate and Assembly.

Mr. Walkup moved that the Senate adjourn.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND,
Secretary

IN SNEATE.

FRIDAY, January 6, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Thursday was read and approved.

The following message was received from the Secretary of State:

Office of Secretary of State,
Benicia, Jan. 5, 1854.

To the Honorable the President of the Senate of the State of California:

SIR:

In answer to the resolutions of the Senate of this date, calling on me for information in relation to the "Codified Statutes," I have the honor to state that twenty-five copies were delivered to this office on the 7th day of November last, since which time I have heard nothing in regard to them, and these are all that have been received. The time for the delivery under the law expired on the 19th day of November last.

Four copies of the State Maps were delivered here on the 3d day of November, which were directed to some of the State officers. I have heard nothing further in relation to them. The time for their delivery under the law expired on the 1st day of July last.

The Statutes were distributed to the State officers as soon as received, and the Maps were given out to those to whom they were directed. In the event of the arrival of the remainder of these books and maps, I desire some instructions from the Legislature, as to whether they shall be received, not feeling myself authorized to receive them under the law as it now stands.

I have the honor to be, Sir,
Your obedient servant,
J. W. DENVER,
Secretary of State.

The following special message was received from the Governor:

Executive Department,
Benicia, Jan. 4, 1854.

To the Senate and Assembly of California:

I have the honor herewith to transmit communications from the Mayor and Common Council of the City of Sacramento and the Court of Sacramento County in relation to the removal of the Seat of Government to Sacramento city.

JOHN BIGLER.

Also the following special message from the Governor was received:

Executive Department,
Benicia, Jan. 6, 1854.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of an important communication received on the 5th instant from Hon. S. A. McMeans, Treasurer, representing the tenement occupied by him as an office, as well as the iron safe in which most of the valuable effects of the office are deposited, as entirely insecure. Convinced, from actual examination, of the great necessity of increased safeguards, the communication of the Treasurer is commended to your early and favorable consideration.

JOHN BIGLER.

The Committee on Mileage made the following report:

Mr. President:

The Committee on Mileage report the following as the number of miles, by the nearest mail route from the residence of the Senators, to the place where the Session of the Legislature is held, and returning therefrom.

	MILES.
Messrs. Bryan,	340
Catlin,	264
Coffroth,	400
Colby,	220
Crabb,	240
Crenshaw,	440
Gardner,	490
Grewell,	224
De la Guerra,	900
Hager,	80
Hall,	320
Hook,	310
Hudspeth,	130
Keene,	320
Kendall,	400
Kurtz,	1418
Leake,	360
Lent,	80
Livermore,	346
Lyons,	440
Mahoney,	80
May,	920
Moore,	80
McFarland,	1150
McGarry,	50
Peck,	340
Sawyer,	400
Smith,	330
Sprague,	780
Stebbins,	380
Tuttle,	360

		MILES.
Messrs. Wade,		480
Walkup,		300
Whiting,		340

H. G. LIVERMORE,
E. D. SAWYER,
Committee.

Mr. Sprague gave notice that he will introduce a bill for an Act to be entitled an Act declaring the consent of the Legislature of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in the overflowed portions of said Island, and vesting the jurisdiction over the same in the United States, for the purposes therein specified.

Mr. McFarland, chairman of the select committee appointed to select such of the documents accompanying the Governor's message as require to be printed, made the following report:

Mr. President:

The select committee to whom were referred the documents accompanying the Governor's message, with instructions to report upon the propriety of printing any or all of them, beg leave to report, that four thousand copies each of the Treasurer's and Comptroller's, one thousand copies of the Surveyor General's, two thousand copies of the Attorney General's, two thousand copies of the communications from the Secretary of the Navy and the Attorney General of the United States, in relation to Mare Island, be ordered printed for the use of the Senate.

J. P. McFARLAND,
G. W. COLBY,
Committee.

The report was adopted.

Mr. Sprague introduced the following resolution, which was adopted:

Resolved, That Wm. Coates, as reporter for the papers known as the Times and Transcript, and San Joaquin Republican; W. G. Upton, as reporter for the San Francisco Herald; W. W Kurtz, as reporter for the Daily Chronicle; J. H. Purdy, as reporter for the Public Ledger; George O'Doherty, as reporter for the Alta California; John McElroy, as reporter for the California Express, and W. W. Walton, as reporter for the Daily Sun, be admitted within the Bar of the Senate as such reporters, and that the Sergeant-at-Arms of the Senate be, and he is hereby authorised and requested, to furnish them with such desks, seats and stationery as they may need for use.

Mr. Smith gave notice that on to-morrow, or some near day, he would introduce a bill for an Act to provide for the sale of the interests of the State in and to certain lands in the city of Benicia, now held, used and occupied by the Pacific Mail Steamship Company.

Mr. Tuttle gave notice that he would introduce, at an early day, a bill amendatory and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May 18, 1853.

Mr. Hall moved that the Governor's Message, in regard to the removal of the Seat of Government to Sacramento, with the accompanying documents, be referred to a special committee.

Which was agreed to, and

Messrs. Hall, Gardner, Kendall, Wade and Sprague were appointed the committee.

Mr. Livermore moved to refer the Governor's communication, in reference to the insecurity of the Treasurer's office, to a select committee.

Adopted, and

Messrs. Livermore, Wade and McFarland were appointed the committee.

Mr. Tuttle moved that the communication from the Secretary of State, in reference to the Codified Statutes and the Official Map of the State, be referred to the Judiciary Committee.

Agreed to.

Mr. Sawyer gave notice that he would, at an early day hereafter, introduce a bill for an Act to regulate fees in office for the counties of Tuolumne, Calaveras, Mariposa, San Joaquin and Trinity.

Mr. McFarland introduced the following resolution:

Resolved, That all such parts of the Governor's Message as relate to the finance of the State, to taxation and revenue, be referred to the Committee on Finance; such parts as relate to the improvement of rivers and navigable streams, to the beach and water lots, and to the extension of the city front of San Francisco, be referred to the Committee on Commerce and Navigation; such as relate to amendments of the State Constitution, to the Committee on the Judiciary; those relating to agriculture and missions and mission lands, to the Committee on Missions and Mission Lands; those relating to public lands, swamp lands, and donations thereof to settlers, to the Committee on Public Lands; such parts as refer to mineral lands, to the Committee on Mines and Mining Interests; those relating to Indians and Indian reservations, to the Committee on Indian Affairs; those relating to schools and to the Superintendent of Public Instruction, to the Committee on Education; those relating to the militia of the State, to the Committee on Military Affairs; those portions referring to the improvement of public roads and highways, to the Committee on Roads and Highways; those to public printing, to the Committee on Public Printing; those relating to State hospitals, to the Committee on State Hospitals; those relating to the penitentiary and the public archives, to the Committee on State Prison and Public Buildings; such as relate to the State library, to the Committee on State Library; and those relating to the civil fund and refunding of the same, be referred to the Committee on Federal Relations.

Mr. Hall gave notice to introduce, at as early a day as the rules of the Senate will permit, an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April 21, 1851.

Mr. Hager gave notice that he will, at an early day, introduce a bill for an Act to release to the United States, the title to certain property of this State, for the purpose of building thereon a Custom House, Dry Dock, Navy Yard, and other public works.

Mr. Bryan gave notice that some day next week he will introduce a bill for amending an Act entitled an Act amending the city charter of Marysville.

Mr. Colby introduced the following resolution:

Resolved, That the State Printer be notified that this body will sanction no bills for Legislative printing for the present session, until further action be taken by the Legislature upon this subject, unless no charge be made for stitching and binding.

Which was referred to Committee on Public Printing on motion of Mr. Tuttle.

Mr. Leake moved that the Senate take a recess of fifteen minutes.

At the expiration of which time they re-assembled, and Mr. Sprague moved that there be a call of the Senate.

The roll being called, the following Senators were found absent:

Messrs. Catlin, Colby, Crabb, Hall, Kurtz, Leake, May, Peck and Smith.

The Sergeant-at-Arms was requested to invite the absentees within the bar of the Senate, and the hour having arrived, the President *pro tem.* invited the Senators to proceed to the Assembly Chamber to meet in Joint Convention to canvass the election returns for Governor and Lieutenant Governor.

IN CONVENTION.

The two Houses met in Convention pursuant to Joint Resolution, the Hon. B. F. Keene, presiding.

Mr. Coffroth on the part of the Senate, and Mr. Bostwick on the part of the Assembly, were appointed as tellers, to act in conjunction with the Secretary of the Senate and the Clerk of the Assembly, in canvassing the election returns of the last general election for Governor and Lieutenant Governor.

Mr. Wade objected to the reception of the returns from the County of Butte, on account of the envelope being without seal.

Mr. Sprague moved that the returns be read, counted and recorded.

The yeas and nays being demanded, resulted as follows:

Those voting in the affirmative were—

Messrs. Bryan, Coffroth, Colby, Crenshaw, Gardner, De La Guerra, Hager, Hook, Keene, Kendall, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup, of the Senate, and,

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Bostwick, Briggs, Carr, Carrillo, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Goddard, Gordon, Green, Griffith, Hastings, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Musser, McBrayer, McDonald, McGee, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, of the Assembly—76.

NAYS.

Messrs. Hudspeth, McGarry, Sawyer, Smith, Wade, Whiting, of the Senate, and,

Messrs. Bowie, Burton, French, Hagans, Henry, Horr, Houghtaling, Letcher, Lindsey, Mandeville, McDuffie, J. W. Park, Stowe, Whipple, Whitman—21.

So the motion prevailed.

The following vote was reported by the Tellers, as the result of canvassing the votes:

The following were considered:

FORMAL VOTES.

	GOVERNOR.		LIEUT. GOVERNOR.		SCT'G.
Counties.	*Bigler.*	*Waldo.*	*Purdy.*	*Eno.*	
Placer,	1,929	1,796	2,057	1,624	
Santa Cruz,	341	429	397	388	
Trinity,	748	581	770	565	
Shasta,	817	741	899	684	
Solano,	541	532	6[illegible]4	474	
El Dorado,	4,373	4,219	4,622	4,050	1
Colusi,	165	261	217	259	
Napa,	173	393	241	337	
San Francisco,	5,480	5,475	7,999	3,139	
Alameda,	551	418	497	474	
Santa Barbara,	184	103	219	69	
Sacramento,	3,276	3,322	3,417	3,216	
Los Angeles,	477	233	488	222	
Butte,	1,544	1,643	1,749	1,500	2
Nevada,	2,311	2,179	2,420	2,106	
Mariposa,	845	810	983	720	
Sutter,	253	240	277	228	
Sierra,	1,996	1,515	1,967	1,472	
Tuolumne,	2,759	2,358	2,927	2,090	1
Monterey,	255	87	299	48	1
Contra Costa,	324	326	384	272	
Calaveras,	2,545	2,212	2,605	2,192	
	31,797	29,773	36,129	26,120	5

Mr. French moved to appoint a committee of three to wait upon the Secretary of State and visit the Post Office, to inquire if further returns could be obtained.

Which was agreed to.

Mr. Sprague was appointed by the President on the part of the Senate, and Messrs. Dawley and Conness on the part of the House, to constitute the committee.

Mr. Sprague moved that the Secretary furnish the committee with a list of the counties not called, which prevailed.

Mr. Smith moved that the Convention take a recess until 3 o'clock, which being agreed, the Senate returned to the Senate Chamber, and

On motion of Mr. Coffroth, adjourned until 3 o'clock.

At 3 o'clock the Senate re-assembled, and proceeded to the Hall of the Assembly.

IN CONVENTION,

Mr. Sprague reported on the part of the committee appointed to visit the office of the Secretary of State and Post Office, that they had obtained the returns on file from the counties of Humboldt, Klamath, Marin, San Diego, San Bernardino, Siskiyou, San Joaquin, San Luis Obispo, Santa Clara, Sonoma, Yolo, Yuba and Tu-

lare; had visited the Post Office, and found no returns there addressed to the Speaker.

The report was accepted, and the committee discharged.

Mr. Sprague moved that the returns reported be canvassed, and entry made as informal.

Which was consented to.

INFORMAL RETURNS.

	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler.	*Waldo.*	*Purdy.*	*Eno.*
Humboldt,	233	243	244	236
Klamath,	384	452	412	426
Marin,	218	321	320	232
San Diego,	74	100	116	45
San Bernardino,	252	2	256	2
Siskiyou,	819	635	850	603
San Joaquin,	1,250	1,180	1,480	1,003
San Luis Obispo,	9	137	9	136
Santa Clara,	598	1,196	916	1,006
Sonoma,	404	641	659	455
Yolo,	434	472	465	455
Yuba,	2,410	2,285	2,584	2,173
Tulare,	54	29	26	26
	7,143	7,691	8,369	6,798

The Speaker then announced the

FORMAL VOTES FOR GOVERNOR.

Bigler,	31,797
Waldo,	29,773
	2,024

LIEUTENANT GOVERNOR.

Purdy,	36,029
Eno,	26,120
	9,909

INFORMAL RETURNS FOR GOVERNOR.

Bigler,	7,143
Waldo,	7,691
Waldo's majority,	448

LIEUTENANT GOVERNOR.

Purdy,	8,367
Eno,	6,797
Purdy's majority,	1,570

THE COMBINED RETURNS FOR GOVERNOR.

Bigler,	38,940
Waldo,	37,464
Majority for Bigler,	1,476

THE COMBINED RETURNS FOR LIEUTENANT GOVERNOR.

Purdy,	44,396
Eno,	32,817
Majority for Purdy,	11,578

Hereupon the President declared that John Bigler having received a majority of the votes for Governor, was duly elected Governor of the State of California for the term of two years, and that Samuel Purdy, having received a majority of the votes for Lieutenant Governor, was duly elected Lieutenant Governor for the term of two years.

The President declaring this Convention having performed the duties for which they met, pronounced it adjourned *sine die*, and the Senate withdrew.

The Senate returned, and the following message was received from the Governor:

Executive Department,
Benicia, January 6, 1854.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication from the citizens of Benicia, tendering certain buildings for the use of the Legislature and State Officers.

JOHN BIGLER.

Mr. Hager moved that the message and accompanying documents be referred to the Committee on State Prison and Public Buildings.

Agreed to.

Mr. Hall gave notice that on Monday next he would introduce a bill for an Act to regulate the mode, time, and place of electing Senators for the State of California to the Congress of the United States.

The following message was received from the Assembly:

BENICIA, January 6, 1854.

Mr. President:

I am instructed to inform the Senate that the Assembly have passed the accompanying resolution, in which their concurrence is requested.

B. McALPIN, Clerk.

Resolved, By the Assembly, the Senate concurring, that a committee of two from each House, be appointed to wait upon the Governor, and inform him of his election, and ascertain the period he desires for the ceremonies of the inauguration.

In which Senate concurred, and Messrs. Hall and Wade were appointed the committee.

Mr. Hall reported that the committee had waited upon the Governor and that he would be ready to-morrow at 12 M.

Mr. McFarland offered the following resolution:

Resolved, (the Assembly concurring,) That the two Houses meet in Joint Convention on to-morrow, the 7th inst., at 12 M., in the Assembly Chamber for the purpose of inaugurating the Governor and Lieutenant Governor.

Which was carried.

On motion of Mr. Whiting, the Senate adjourned.

B. F. KEENE,
President *Pro tem.* Senate.

JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, January 7, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The reading of the Journal was dispensed with, on motion of Mr. Hall.

Mr. Sawyer introduced a concurrent resolution to appoint a joint committee of two from each House to wait upon the Hon. Samuel Purdy, to inform him of his election, and ascertain when it will be convenient to take the oath of office.

Which was agreed to, and

Messrs. Sawyer and Hager were appointed the committee.

Mr. Wade asked leave of absence for Mr. Peck.

Which was granted.

Mr. Walkup asked one week's leave of absence for Mr. Tuttle.

Which was granted.

Mr. Tuttle presented a resolution to direct the Comptroller to audit no account of the State Printer for documents ordered by the Senate, without a certificate from the Chairman of the Printing Committee, that the documents have been delivered to the Sergeant-at-Arms.

Which was adopted.

According to notice given, Mr. Sprague introduced a bill for an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island; to relinquish the title and interest of the State in the overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

Read a first time.

On motion of Mr. Wade, the rules were suspended, the bill read a second time, referred to the Judiciary Committee, and 140 copies ordered printed.

Mr. Catlin introduced the following resolution:

Resolved, That in commemoration of one of the most brilliant events in our history—the battle of New Orleans—the Senate, when they do adjourn, adjourn over until Tuesday next at the usual hour.

Which was passed unanimously.

Mr. McGarry gave notice that at an early day he would introduce a bill for an Act to amend an Act concerning roads and highways.

The following special message was received from the Governor:

Executive Department,
Benicia, January 6, 1854.

To the Senate and Assembly of California:

The communication of F. Argenti, herewith transmitted, was received by me on the 5th inst. The communication referred to by Mr. Argenti was presented to the Senate on the 26th day of February, and can be found by reference to Document No. 28, of Appendix to Senate Journal of 1853.

JOHN BIGLER.

Mr. Walkup moved to refer the message and communication to the Committee on Commerce and Navigation.

Which was carried.

Mr. Smith gave notice of the introduction of a bill for an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Mr. Sprague offered a resolution that two copies of all printed bills and reports be delivered to each reporter in the Hall of the Senate, by the Sergeant-at-Arms.

Which was adopted.

The President having informed the Senate that Mr. Grewell was detained by illness,

On motion of Mr. Sprague, indefinite leave of absence was granted.

Mr. Catlin introduced the following resolution:

Resolved, That the Senate express their thanks to the citizens of Benicia for the

appropriate New Year's gift to each member of an elegant copy of the Constitution of the United States.

Which was adopted.

The following message was received from the Assembly:

ASSEMBLY HALL, January 6, 1854.

Mr. President:

I am directed to inform the Senate that the Assembly have this day concurred in Senate resolution to appoint a Joint Committee on Rules, and have amended the same.

The Assembly had already appointed a committee of five, consisting of the following gentlemen:

Messrs. Conness, Watkins, Mandeville, Herbert and Irwin.

Which is their reason for having the number increased.

The Assembly have also this day concurred in Senate resolution to appoint a Joint Committee to wait upon the Hon. Samuel Purdy to inform him of his election, and have appointed Messrs. Sweetland and McBrayer on the part of the Assembly.

They have also concurred in Senate resolution to meet this day at 12 M., in the Assembly Hall, to inaugurate the Governor and Lieutenant Governor.

Respectfully,

B. McALPIN,
Clerk.

Mr. Sprague moved to concur in Assembly amendment.

Which was agreed to, and

Messrs. Lent and Leake were added to the Senate Committee.

Mr. Hall introduced the following resolution:

Resolved, That it shall be the duty of the Secretary of the Senate to prepare a duplicate of the Journal of each day's proceedings, and deliver the same to the State Printer upon the following day.

Mr. Colby proposed to strike out "State Printer" and insert "Secretary of State."

Laid on the table for the present.

Mr. Coffroth moved that a committee of three be appointed to wait upon the Governor conjointly with the committee of the Assembly.

Which was agreed to, and

Messrs. Coffroth, Hall and McFarland were appointed.

Mr. Coffroth moved to refer the resolution and amendment, which were taken from the table, to the Committee on Public Printing.

Which was agreed to.

Mr. Hager moved to take a recess for fifteen minutes.

Agreed to.

Senate re-assembled, and the Sergeant-at-Arms was requested to invite the absent Senators within the bar.

When the Senate proceeded to the Assembly Chamber.

IN CONVENTION.

Hon. B. F. Keene presiding.

The Governor elect having been introduced by the Joint Committee, the oath of office was administered by the Hon. Joseph Winston, Judge of Solano county.

The President then declared that John Bigler was duly enstalled as Governor of the State of California for the term of two years.

The Governor then delivered the following address:

INAUGURAL ADDRESS.

Fellow Citizens:

Having subscribed the solemn oath required by the Constitution at the commencement of a term of office, I avail myself of the occasion to express my profound gratitude to the people of California, who, after the most rigid scrutiny into all my official acts, have a second time, by their free suffrages, conferred upon me the highest office in their gift.

At the commencement of my first term, conforming to revered custom, I took occasion to proclaim the principles which should be my guide in the administration of the government, as well as to explain the more important measures believed necessary to the rapid development of our vast resources. The principles then set forth, and the measures advocated, are still cherished and approved; time and experience having demonstrated, as far as tested, their entire practicability and correctness.

On this occasion, I may be permitted to assure my fellow citizens, that hereafter, as heretofore, all my energies will be steadily exerted to secure, not only a faithful and efficient, but an economical administration of the State Government. And, if heretofore there has been a failure to accomplish desired objects, and effect radical reforms, I entreat you to remember, that in the only manner authorized by the Constitution, I have again and again performed my duty in the premises, by urging upon the immediate representatives of the people the great importance of adopting judicious measures to secure a speedy liquidation of the debt of the State, and of devising a thorough system of retrenchment and reform.

The power to abate evils complained of, to lessen public expenditures and taxation on the people, the Constitution has wisely vested in the Legislature, not in the Executive. The Governor can, and indeed it is his constitutional duty, from time to time, to recommend measures which meet his approbation, and to express his views on subjects of general importance; but here his power ceases, until his recommendations shall have received force and efficacy by the action of the Legislature.

The Executive, though often censured in relation to public expenditures, has, in fact, under the Constitution, no further control over the treasury than is exercised in the approval or rejection of Acts of the Legislature appropriating public funds.

The Comptroller and Treasurer, in many matters of great importance, are the peculiar guardians of the public purse. It is the province of these officers, under the Constitution and Laws, to pass upon all claims against the State, to approve and reject as they deem proper, and as justice demands. With their decisions, the Executive cannot interfere, and over their judgments in the settlement of questions between individuals and the State, he has properly no control.

It is believed unnecessary, however, on this occasion, to advert to the financial condition of the State, or the measures relied upon to secure the speedy payment of our existing debt. For these important details, you are respectfully referred to my annual message.

During the past two years our progress in improvements of every character, have more than realized the expectations of the most sanguine. The substantial wealth of the State has been more than doubled. The spirit of progress and improvement which so distinguishes the American people, and which, in fact, has placed our country in the van of nations, has lost none of its vigor on the Pacific Coast. Its benign influence has, in an incredibly short period of time, placed our adopted State on a level, in many important respects, with the oldest and mightiest of the Confed-

eracy. But yesterday, California was a wild and uncultivated department of a declining nation,—to-day, she stands unrivalled in the wealth of her mountains, the fertility of her valleys, the importance of her growing commerce, and in the energy and intelligence of her people. Nor are we wanting in other monuments which mark our wealth, enterprise and prosperity. Our cities spreading their fair proportions upon our inland seas, navigable rivers, and in our mining districts, abound in structures equal to any which adorn the emporiums of the Atlantic. Our broad acres are being rapidly subjected by the hand of culture, and our granaries and teeming warehouses attest alike the bounty of the soil and the prosperity of our people.

The people of California, though greatly absorbed in the development of her unequalled mineral wealth, and in preparing for a more full enjoyment of her vast commercial advantages, have not been unmindful of other great interests. The education of the youth of the State has not been the subject of much solicitude, and in view of the fact that the families of our citizens are daily coming to our shores and settling upon the public domain—a system of public instruction is being matured, worthy of the great Pacific State, and entirely adequate to the wants of the rising generation. Congress, with commendable liberality, has donated lands to the State, which, if properly disposed of, it is confidently believed, will yield not less than eleven millions of dollars for school purposes.

This sum, judiciously applied in fostering a system of Common Schools, will be found amply sufficient to educate all the children of our State, and thus give a high character to our civil institutions. The education of the masses is justly esteemed the groundwork of free institutions, and the enduring basis of constitutional liberty. We have, indeed, reason for congratulation, my fellow citizens, that our School fund—inferior to that of no other State—promises for future generations the intelligence so necessary to the preservation of the free institutions under which we so happily live and prosper.

In the midst of exciting scenes and general prosperity, we have not been forgetful of the demands of humanity. Owing to the great distance traversed by the emigrant, and the privations endured, many reach our borders "sick and destitute," "strangers in a strange land" Their necessities have not been forgotten; the hand of charity has been freely extended.

Hospitals for the relief of the sick and insane have been provided and thrown wide open for their reception. Large appropriations from the public treasury have been annually made for their relief by former Legislatures; and these asylums will ever remain monuments of the humanity and benificence of our people, and enduring evidences, that even in the incipient stages of our political existence, suffering humanity received the relief and comfort required.

For the suppression and punishment of crime, there has been erected, during the past year, a secure State Prison. Heretofore, almost entirely dependent upon individuals and counties for the safe keeping of criminals, there has been, comparatively, an immunity from punishment. This fact, and the no less important one, that escape was possible, emboldened the vicious and daring, and served greatly to increase crime—for, it is not so much the severity of its infliction which holds villainy in check. But now that we have a secure prison—that escape is hopeless, and punishment certain—crime, it is hoped and believed, will rapidly diminish.

Justly proud of our adopted State, it may not be unprofitable for us, on this occasion, to recur once more to the scenes, the trials, the difficulties, and the eventful triumphs, which marked an era in the history of the world—the birth of a new State into the American confederacy.

Springing into new life, after a lethargic sleep of centuries, California opened to an astonished world, the hidden wealth of her mountains, and her flower-clad valleys gave presage of future productiveness.

For ages had her golden sands been washed from their mountain heights, and the

rivulets and streams, which fertilized her plains, bore golden flakes on their resistless floods. But it was reserved for the research of our own people, first to discover, and then to develope the hidden wealth which added a new field to the labor, enterprise and commerce of the world, and which for centuries had remained unknown to the inhabitants of the Pacific coast.

Excited by the intelligence wafted to their ears from the Pacific shore, the American people, who, by their intelligence, enery, and all those virtues which exalt a nation, have acquired the right to disseminate freedom and civilization—the right to inoculate upon the decaying frame of despotism, the living principles of civil and religious liberty, led the van of that mighty concourse which set towards our golden shores; overcoming every interposing obstacle, soon laid broad and deep the foundations of a great and prosperous Sovereignty.

The discovery of inexhaustible mines of gold upon the borders of the Pacific, was an extraordinary episode in human affairs.

It was an occurrence which involved the most important consequences to the monetary affairs of the world. It gave a new impulse to labor everywhere and infused new vigor into all the departments of human industry. By increasing the rewards of labor, and the demand for its products, it gave to it a practical dignity and importance which it never before possessed. But, the immediate and remote results of such a discovery are too important and varied to be enumerated here. It was, however, apparent that a country possessing such advantages, and destined to exert such an influence would speedily become an object of peculiar interest. It was apparent, also, that the wants of such a country would be uncommon, and that without the exercise of sleepless vigilance, its interests would often be jeopardized. The discovery of the precious metals was succeeded by a crisis in California, during which it was sometimes a subject of doubt, whether order or anarchy would be paramount. The want of the protecting care of the General Government, which the country, on account of its geographical position, and its consequent isolation, so keenly felt—the rapid influx of emigrants from every quarter of the globe, contributed to retard the permanent establishment of law and order, and rendered necessary a well regulated government, and a rigid code of laws. For the control of a people so heterogenous the provisional government established in California, was soon found to be totally inefficient. Police and municipal regulations—the great safeguards of society—and a general system of Government, more comprehensive and more detailed in its operations, were wants which the public interests eminently demanded. Accordingly, the representatives of the people, in September, 1849, assembled in convention, and adopted a State Constitution, and in a remarkably short period of time, after the ratification of the treaty of Guadalupe Hidalgo, by which this territory was acquired, California was admitted into the American Confederacy, and invested with all the prerogatives of a Sovereign State. I need not here recur to the acclamations with which the intelligence of this event was received, or to the impressive scenes which marked its solemization.

Up to the period of the organization of the State Government, we were a community, or I might rather say a collection of persons, to some extent without law, and without any of those securities only to be found in a stern and impartial administration of justice. The maxims and obligations of self-government were too often set at naught, and society was seemingly suspended over the abyss of annihilation. But the perils which attended the infancy and early organization of our Government, have, happily, passed away, and under the restraining influences of habit, education and natural affection, which are so insensibly, but so powerfully exerted, and with which we are inspired by our liberal form of government, stability and order have risen out of chaos and confusion.

In all cases of grievance, the law has prescribed the mode of redress, and it is alike our duty, and our custom, to respect its requirements. While from our earliest boyhood there has been instilled in our breasts love and reverence for the free

institutions of our country, we have also been taught to respect and obey that country's Laws. Obedience to the laws, as a principle, forms the main pillar in the edifice which the people have consecrated to liberty.

But California is not alone dependent upon the glittering ore, which primarily attracted to her shores thousands of men and fleets of deeply ladened ships. Her soil so prolific in mineral riches is no less productive of all those commodities, which form the staples and luxuries of the world. Emphatically the land of the olive and the vine, her fields of waving corn and clustering vineyards on her southern slopes, bid fair soon to rival her mines of gold, and render her as renowned for abundant harvests as she has been and is, for her stores of mineral wealth. Each year gives renewed proof of the fertility of her soil and increased importance to agriculture pursuits. Her geographical position is eminently conducive to health and favorable to the production of every article needed for consumption at home, and in time for exportation abroad.

In latitudes analagous with Southern France and the finest wine countries of Europe, California already possesses flourishing vineyards, which will one day, no doubt render her celebrated for every variety of wines. Her bounteous soil nourishes the olive and the fig; and fruits of every discription are to be found throughout the State.

Hitherto, the unparalleled productiveness of the mines deterred the people, generally, from undertaking, what for a time was deemed hazardous experiments in agriculture. Again, the unsettled condition of land titles, and above all, the transient and migratory character of the first immigrants who came here with no intention of making this country their permanent abode, greatly retarded the development of our agricultural resources. Soon, however, men learned to appreciate the immense natural superiority of California over the eastern portion of the American Continent.—They discovered that independently of its golden sands, it possessed a genial and healthful climate and luxuriant soil. They became attached to its beautiful rivers, its pleasant and productive valleys and its expanding plains; and instead of quitting the country forever, as originally intended, they sent for their wives and little ones to rejoin them in this sunny land.

The transcendent beauties of the country, the fertility of its soil, as well as its great mineral wealth and commercial advantages were soon properly appreciated—and then commenced the flood-tide of immigration, which has since known no ebb.

Among the many flattering evidences of our prosperity and progress in agricultural pursuits, none speak more unmistakeably, than the increased demand, and consequent importation of farming implements of every character; they give evidence of the peaceful and lucrative calling of many of our citizens. The advantages of engaging in agricultural pursuits cannot be too earnestly urged upon the people, and the employment of labor and capital in such a channel, cannot fail to afford profitable returns. Let us hope, then, as we have every reason to expect, that not only our mountains and river sands will continue to yield their rich treasures to the hand of industry, but that our vast and unequalled commercial and agricultural resources, may be so developed by the enterprize and perseverance of our people as to elevate California in the scale of nations and render her that populous and powerful sovereignty of the American Confederacy for which she was so manifestly destined by Nature and by Nature's God.

For the blessings of social order and general prosperity, which we now enjoy in so high a degree, I claim nothing for the government over which I have been called upon to preside. But to that spirit of liberty and progress so eminently characteristic of the American people, united with the intelligent and determined energy of our fellow-citizens, under the blessings of Providence, we owe all our greatness and continued prosperity, and to that spirit and intelligence must we ever look for the

welfare of our common country and the perpetuity of the free institutions, which have made our Union "beloved at home and respected abroad."

On motion of Mr. Wade, the Senate withdrew.

IN SENATE.

Mr. Sprague moved that four thousand copies of the Governor's Inaugural be printed for the use of the Senate.

Mr. Sawyer moved to amend by printing also one thousand copies in Spanish.

Which was accepted and the motion prevailed.

On motion, the Senate adjourned in accordance with the resolution of Mr. Catlin, to Tuesday 11 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate,

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, January 10, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Friday was read and approved.
The Journal of Saturday was read and approved.

The following communications were received from the Governor:

Executive Department,
Benicia, January 6, 1854.

To the Senate of California:

I have this day appointed Charles H. Hempstead, Esq., Private Secretary to the Governor.

JOHN BIGLER.

Mr. Sprague moved that the Senate do advise and consent to the appointment of Charles H. Hempstead.

The roll being called, the following Senators voted in the affirmative :

Messrs. Catlin, Coffroth, Colby, Crenshaw, Hook, Hudspeth, Keene, Kendall, Leake, Lent, Livermore, Lyons, Mahoney, McGarry, Sawyer, Smith, Sprague, Stebbins, Wade, Walkup and Whiting—21.

So the appointment was confirmed.

The following communication was received from the Governor :

Executive Department,
Benicia, January 9, 1854.

To the Senate of California :

I hereby nominate Hon. J. W. Denver, Secretary of State for the State of California.

I have the honor to be your ob't servant,

JOHN BIGLER.

Mr. Sprague moved that the Senate do advise and consent to the nomination of J. W. Denver, as Secretary of State, and

The roll being called, the following Senators voted in the affirmative :

Messrs. Catlin, Coffroth, Colby, Crenshaw, Hook, Hudspeth, Keene, Kendall, Leake, Lent, Livermore, Lyons, Mahoney, McGarry, Sawyer, Smith, Sprague, Stebbins, Wade, Walkup and Whiting—21.

So the nomination was confirmed.

The President presented a communication from W. Van Dyke, in reference to the election for Senator in the 12th Senatorial District, with an accompanying certificate of election,

Which were read and referred to the Committee on Elections.

Mr. Wade offered the following :

Resolved, That George H. Rhodes be admitted within the bar of the Senate as reporter for the Daily Evening Picayune, and that the Sergeant-at-Arms be instructed to furnish him with a desk.

Mr. Kendall introduced a resolution

That the Comptroller of State be instructed to furnish the Senate with the cost of the various removals of the seat of Government, after the first meeting of the Legislature at San Jose, to the last removal to Benicia ; the cost to be stated in items.

Which was adopted.

Mr. Colby presented the following concurrent Resolution :

Resolved, (the Assembly concurring) That a committee of three upon the part of the Senate, and a like number upon the part of the Assembly be appointed to examine the returns for Governor and Lieutenant Governor of 1851, as to their correctness and such other facts as can be obtained relative thereto.

Mr. Wade moved to lay the resolution on the table.

Which was agreed to.

Mr. Crenshaw gave notice that he would on to-morrow, or at an early day, propose amendments to sections 2, 3, 5, 6 and 25 of Art. IV. and section 2 of Art. X. of the Constitution of the State of California.

Mr. Lent gave notice that on some early day he would introduce a bill to amend an Act to provide revenue for the support of the Government of this State.

Mr. Catlin introduced the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to make arrangements with any of the Express Companies for the transmission of letters, papers, and documents to and from Senators during the session of the Legislure; *Provided*, the charges for such transmission shall not exceed the rates charged by the United States Post Office.

Which was adopted.

Mr. Colby gave notice of the introduction of a bill at an early day, to be entitled an Act to protect and encourage the settlement and permanent improvement upon Public and unoccupied Lands, in limited quantities.

Mr. Walkup gave notice of the early introduction of a bill for an Act fixing the per diem and mileage of members of the Legislature, and to provide for their payment in cash.

Mr. Coffroth gave notice that he would at an early day, introduce a bill to amend an Act defining the liabilities and privileges of foreign miners.

Mr. Sawyer, from the Joint Committee appointed to wait upon the Lieutenant Governor, reported:

That in accordance with the Concurent Resolution of the Senate and Assembly, they had waited upon the Hon. Samuel Purdy, and learned that his illness prevents his fixing upon any definite time for his inauguration, but that he will inform the committee by letter when it will be convenient.

Mr. Sprague introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report to the Senate to-morrow the bill referred to said committee, for an Act declaring the consent of the Legislature of the State of California to the purchase of the United States of Signor or Marc Island; to relinquish the title and interest of the State in the overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

Which on motion of Mr. Leake was laid on the table.

On leave, Mr. Whiting introduced a bill for an Act to amend an Act entiled an Act concerning Jurors, approved May 3, 1852.

Which was read a first and second time, the rules having been suspended fo

that purpose, and referred to the Judiciary Committee, with instructions to report to-morrow.

On motion of Mr. Livermore, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, January 11, 1851.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev, Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Sprague, from the Committee on the Judiciary, reported back the bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852, with amendments,

Which were concurred in, and the bill ordered to be engrossed for a third reading, on motion of Mr. Smith.

Mr. Coffroth presented an abstract of returns of electien in the Twelfth Senatorial District for Senator,

Which was read and referred to the Committee on Elections.

Mr. Sprague presented a communication from W. H. R. Wood, in reference to the compilation and publication of the Laws of the State.

Which was read and referred to the Committee on Public Printing.

Mr. Colby introduced the following resolution:

Resolved, The Assembly concurring, that a committee of three be appointed to act with a committee already appointed in the Assembly, to ascertain whether the contract in relation to the Codified Statutes has been completed within part or in whole.

Which was adopted, and

Messrs. Colby, Stebbins and Smith were appointed the committee.

Mr. Sprague offered a resolution,

That the Sergeant-at-Arms of the Senate be authorized and empowered to receive and receipt to the Comptroller of State for the mileage and per diem of members.

Which was adopted.

Mr. Gardner inroduced the following resolution :

Resolved, That the Secretary of the Senate be and he is hereby authorized to employ an additional clerk for such period of time as his services may be required.

Which was adopted.

Mr. Crenshaw introduced proposed amendments to the Constitution of the State of California.

Which was read a first and second time and referred to the Committee on the Judiciary.

Mr. Coffroth moved that hereafter the usual number of copies of any bill ordered printed be one hundred and fifty.

Which was agreed to.

Mr. Crenshaw moved that the usual number of copies of the proposed amendments be ordered printed.

Which was agreed to.

Mr. Crenshaw presented a memorial of Thomas O. Larkin, Esq., in relation to the presentation of a picture of Washington, and a committee of three, consisting of Messrs. Crenshaw, Coffroth and Lyons, were appointed to confer with him on the subject.

Mr. Sawyer moved to reconsider a resolution of Mr. Catlin, passed yesterday, authorizing the Sergeant-at-Arms to contract with the express offices for the transmission of mail matter.

Which was carried.

Mr. Sawyer moved to refer the resolution to a select committee, with instruction to report to-morrow.

Upon which the yeas and nays were demanded by Messrs. Kendall, Coffroth and Walkup.

The roll being called, the following Senators voted in the affirmative :

Messrs Coffroth, Grewell, Hook, Keene, Kendall, Lent, Lyons, Mahoney, May, McFarland, McGarry, Peck, Sawyer, Sprague, Stebbins, Whiting—16.

Those voting in the negative were—

Messrs. Catlin, Colby, Crenshaw, Hudspeth, Leake, Smith, Walkup—7.

So the motion prevailed,

And the President appointed Messrs. Sawyer, May and Mahoney the committee.

According to previous notice, Mr. Walkup introduced a bill for

An Act fixing the per diem and mileage of members of the Legislature, and to provide for their payment in cash.

Which was read a first and second time, and referred to the Committee on the Judiciary.

On motion of Mr. Lent, the Senate adjourned.

B. F. KEENE,
President pro tem. of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, January 12, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Lyons, from Committee on Engrossed Bills, reported as correctly engrossed an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

Report accepted.

Mr. Sawyer, chairman of the select committee, to whom was referred resolution authorizing the Sergeant-at-Arms to contract with the Express Offices in reference to the transmission of mail matter—reported back the resolution, recommending its passage.

Mr. Lyons moved to amend by striking out the fourth line and inserting Adams & Co., and Wells, Fargo & Co.

Which was agreed to.

Messrs. Smith, Kendall and Lyons demanded the yeas and nays upon the passage of the resolution.

The Senators voting in the affirmative were—

Messrs. Gardner, Grewell, Hager, Hall, Keene, Lent, Livermore, Mahoney, May, Moore, McGarry, Peck, Sawyer, Smith, Sprague, Walkup—16.

Those in the negative were—

Messrs. Crenshaw, Kendall, Lyons, McFarland, Stebbins, Wade, Whiting—7.

So the resolution was adopted.

A communication was received from the Comptroller of State, transmitting a statement of the expenses of the removal of the Seat of Government at different times, which was read, and referred to the select committee appointed on that subject, on motion of Mr. Hall.

A message was received from the Assembly, informing the Senate that the Assembly had concurred in a resolution to appoint a Joint Committee to examine whether the contract to furnish the Codified Statutes had been complied with, and also, that the Assembly had passed a concurrent resolution requesting that the committee appointed in both Houses to fix the pay of officers, should act jointly.

Which was concurred in.

Mr. Smith offered the following resolution:

Resolved, That a committee of three be appointed to examine into the award made by the commissioners in the matter of certain property now held by the Pacific Mail Steamship Company, in Benicia, and report to the Senate the condition of said property.

Which was adopted, and Messrs. Smith, Walkup, and Kendall, were appointed the committee.

Mr. McFarland presented a memorial and joint resolutions in reference to the speedy settlement of private land claims in the State of California, which were read first and second time, and on motion of Mr. Walkup, referred to the Judiciary Committee.

Mr. Wade moved that 180 miles be added to the number of miles allowed Mr. Peck by the Committee on Mileage.

Which was agreed to.

Mr McGarry presented a resolution authorizing the Sergeant-at-Arms to appoint a messenger for the Senate, which, on motion of Mr. Lyons was laid on the table.

Mr. Colby moved to take from the table the concurrent resolution to appoint a joint committee of three to examine the returns for Governor and Lieutenant Governor for 1851, as to their correctness and obtain any other information in reference thereto—upon which Messrs. Lyons, Sprague and Smith demanded the yeas and nays with the following result:

YEAS.

Messrs. Catlin, Colby, Crabb, Grewell, Hall, Hook, Keene, Lent, Livermore, Lyons, Mahoney, Moore, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Wade, Walkup, Whiting—23.

NAYS

Messrs. Coffroth, Crenshaw, Gardner, Hager, Kendall—5.

So the motion prevailed.

Mr. Whiting moved to indefinitely postpone the resolution, when the yeas and nays were demanded by Messrs. Lent, Lyons and Grewell, and the motion was lost by the following vote:

YEAS.

Messrs. Coffroth, Crenshaw, Gardner, Hager, Kendall, Livermore, May, Sawyer, Wade, Whiting—10.

NAYS.

Messrs. Catlin, Colby, Crabb, Grewell, Hall, Hook, Keene, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Smith, Sprague, Walkup—17.

Mr. Crabb moved to amend by adding "with power to send for persons and papers," which was accepted, and the yeas and nays on the passage of the resolution were demanded by Messrs. Coffroth, Smith and Lyons.

Those who voted in the affirmative were—

Messrs. Catlin, Colby, Crabb, Grewell, Hall, Hook, Keene, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Smith, Sprague, Walkup—17

Those who voted in the negative were—

Messrs. Coffroth, Crenshaw, Gardner, Hager, Kendall, Livermore, May, Sawyer, Whiting—9.

So the motion was adopted.

On motion of Mr. Whiting, an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852, was read a third time and passed.

Mr. Catlin gave notice that at an early day he will introduce a bill to provide for the permanent location of the Seat of Government of the State of California.

Mr. May gave notice that some day soon he will introduce a bill to amend an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, approved May 1, 1852.

Mr. Hall gave notice that at an early day day he would introduce a bill for an Act to amend an Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850.

On motion of Mr. Wade, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND,
Secretary.

IN SENATE.

FRIDAY, January 13, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

Journal of yesterday was read and approved.

A communication was received from Hon. R. P. Hammond, Collector of the port of San Francisco, containing instructions from the Secretary of the Treasury, in ref erence to the donation by the State of California of a site for a Custom House,

Which was read and referred to the Committee on Federal Relations.

Mr. Livermore, chairman of the Select Committee, to whom was referred the Special Message of the Governor and communication of the Treasurer of State as to the insufficiency and insecurity of the Treasurer's office—

Reported that they had examined the matters submitted to them, and recommended the immediate removal of the Treasurer's office to some place of greater safety.

Mr. Hager, after previous notice, introduced a bill for an Act to release the title of the State to certain property and vest the same conditionally in the United States,

Which was read a first and second time and referred to the Committee on the Judiciary.

Mr. Sawyer, according to previous notice, introduced a bill for an Act to regulate fees in office in the counties of Calaveras, Tuolumne, San Joaquin, Mariposa and Trinity,

Which was read a first and second time, and referred to a special committee, consisting of Messrs. Sawyer, Kendall, Crabb, Wade and May.

Mr. Hager, from the joint committee appointed to fix the compensation of the officers of both Houses, made the following report:

Mr. President:

The joint committee appointed to fix the per diem compensation of officers of their respective bodies, respectfully report, recommending the following:

For Secretary of Senate and Clerk of Assembly, each	$16 per diem.
Assistant Secretary and Assistant Clerk, each	14 "
Enrolling Clerks, each	12 "
Engrossing Clerks, each	12 "
Sergeant-at-Arms, (and such further fees for arrests and traveling as may be authorized by the rules of the Senate or Assembly for their respective officers,) each	16 "
Doorkeepers, each	12 "
Pages, each	7 "
Porters, each	8 "
Extra Clerks, (when authorised by either House, and actually employed,) for each day,	12 "
Chaplin of the Senate,	12 "

And your committee further recommend that the compensation for the above named officers be fixed by law.

JOHN S. HAGER,
Chairman Senate Committee.

GEO. H. VAN CLEFT,
Chairman Assembly Committee.

Mr. Sawyer offered the following:

Resolved, That the Comptroller be required, on Monday next, to furnish the Senate with a statement of all expenses, incidental or otherwise, incurred by the State, by each removal of the Capital, since the first removal thereof to the present time.

Messrs. Sawyer, Kendall and Lyons demanded the yeas and nays upon the passage of the resolution,

Which was lost by the following vote:

YEAS.

Messrs. Crenshaw, Hager, Kendall, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Sawyer, Smith, Stebbins—12.

NAYS.

Messrs. Catlin, Colby, Gardner, Grewell, De la Guerra, Hall, Hook, Keene, Livermore, May, Peck, Sprague, Tuttle, Wade, Walkup, Whiting—16.

Mr. Whiting, on leave, introduced a bill for an Act to repeal an Act entitled an Act to provide for the better publication of official and legal notices,

Which was read a first and second time, and referred to the Judiciary Committee,

A message was received from the Assembly, informing the Senate that they had yesterday passed Joint Resolutions in relation to the Public Lands, therewith transmitted.

The Joint Resolutions were read a first and second time, and referred to the Committee on Public Lands.

Mr. Smith offered the following resolution:

Resolved, That the Comptroller be requested to report to the Senate the entire cost to the State of the Committee appointed to examine the books of the Comptroller and Treasurer of State.

Which was adopted.

Mr. Hall presented the petition of John G. Bircham.

Which was read and referred to the Judiciary Committee.

According to previous notice, Mr. Catlin introduced a bill for an Act to provide for the permanent location of the Seat of Government of the State of California.

Which was read a first time.

Mr. Catlin moved that the rules be suspended, and the bill go to a second reading.

Upon which the yeas and nays were demanded by Messrs. Stebbins, Lyons, and Smith.

Mr. Walkup moved that there be a call of the Senate.

Which was agreed to.

And Messrs. Bryan, Hudspeth, Kurtz and Leake, were found absent.

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Smith moved that further proceedings under the call be dispensed with.

Which was agreed to.

The Senate refused to suspend the rules by the following vote:

YEAS.

Messrs. Catlin, Colby, Gardner, Grewell, Hall, Hook, Keene, Livermore, Peck, Sprague, Tuttle, Wade, Walkup—13.

NAYS.

Messrs. Coffroth, Crabb, Crenshaw, De la Guerra, Hager, Kendall, Lent, Lyons, Mahoney, May, Moore, McFarland, McGarry, Sawyer, Smith, Stebbins, Whiting —17.

So the bill laid over under the rule.

Mr. Smith moved that 150 copies of a bill for an Act to release the title of the State to certain property, and to vest the same conditionally in the United States, be printed for the use of the Senate.

Which was agreed to.

Mr. Sawyer introduced the following:

Resolved, That the Secretary of State be instructed to furnish the Senate with the various contracts and pledges made by the several towns and cities of this State with the State, relative to each removal of the Seat of Government, and how far they have complied with the terms of the same.

Which was adopted.

On motion of Mr. Hall, the Senate adjourned.

B. F. KEENE,
President *Pro tem.* Senate.

JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, January 14, 1854.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Coffroth from the committee of both Houses, reported Joint Rules and Orders for the Senate and Assembly,

Which were read and adopted, and 240 copies ordered printed.

Mr. Tuttle, according to previous notice, introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May 18, 1853,

Which was read a first and second time, and

On motion of Mr. Wade, referred to the Committee on Finance.

Mr. Wade asked leave of absence for one day for Mr. Crabb,

Which was granted.

Mr. Sawyer asked leave of absence for one day for Mr. Whiting,

Which was granted.

Leave of absence for one day was granted Mr. Hudspeth, on motion of Mr. Crenshaw.

A message was received from the Assembly informing the Senate that the Assembly had concurred in a resoultion to appoint a joint committee to examine the returns for Governor and Lieutenant Governor for 1851, and ascertain other facts relative thereto, and had appointed on their part Messrs. Tallmadge, Watkins and Horr.

And also transmitting Joint Resolution in favor of establishing a mail route by ocean steamships between San Francisco and China, *via* the Sandwich Islands.

The Joint Resolutions were read first and second time, and

On motion of Mr. Kendall referred to the Committee on Federal Relations

A communication was received from the Comptroller of State, with a statement of the expenses of a committee appointed at the last session to examine the books and accounts of the Treasurer and Comptroller of State,

Which were read and referred to the Committee on the Judiciary

Mr. Stebbins gave notice that he would soon introduce a bill to provide for the payment of the debt due from the counties of Sierra and Nevada to the county of Yuba

Mr. Livermore gave notice of his intention to introduce a bill for the better compensation of Jurors in certain cases.

A special message was received from the Governor, accompanied by comunications from the Treasurer of State and the Attorney General, in reference to the re ception of State Prison Bonds,

Which were read and referred to the Committee on the Judiciary.

A special message was also received from the Governor, transmitting communication from the Commissioners for the sale of State Property,

Which, on motion of Mr. Wade, was referred to the Committee on Finance.

According to previous notice, Mr. Bryan introduced a bill for an Act for the releasing of the title of the State to certain property in the city of San Francisco to the United States, and providing for compensation to individuals upon the same,

Which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Crenshaw submitted the following resolution:

Resolved, That the Committee on Finance be instructed to embody in one bill all the amendments which in their judgment may be necessary to the Revenue Bill, and report the same to the Senate at an early day.

Which was adopted.

Senate bill for an Act to provide for the permanent location of the Seat of Gov ernment of the State of California, was read a second time, and

On motion of Mr. Lyons was made the special order of the day for Tuesday next, the 17th inst.

On motion of Mr. De la Guerra, the Senate adjourned until Monday morning at 11 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, January 16, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
There being no quorum present,
On motion of Mr. Sprague the Senate took a recess until 1 o'clock.

ONE O'CLOCK.

Senate met and was called to order.
No quorum being present, the roll was ordered to be called, and the followiug Senators found absent:

Bryan, Crabb, Crenshaw, Gardner, Hager, Hall, Hudspeth, Kendall, Kurtz, Lent, Livermore, Lyons, May, McFarland, McGarry, Peck, Smith, Wade, Whiting.

The door-keeper was directed to invite absent Senators within the bar.
Messrs Bryan, Crenshaw, Kurtz and Livermore, appeared and answered to their names.

The Journal of Saturday was read and approved.

On motion of Mr. Sprague the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, Jan. 17, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

The bill for an Act to provide for the permanent location of the Seat of Government of the State of California, being the special order of the day was taken from the table.

Mr. Catlin moved that the further consideration of the bill be postponed until day after to-morrow, upon which Messrs. Kendall, Coffroth and McGarry demanded the yeas and nays, with the following result :

YEAS.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Keene, Kendall, Livermore, Mahoney, Moore, Peck, Stebbins, Tuttle—13.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, De La Guerra, Hudspeth, Kurtz, Leake, Lyons, McFarland, McGarry, Sawyer, Wade—12.

So the motion prevailed.

Mr. Peck asked leave of absence for four days for Mr. May, which was granted.

A special message was received from the Governor, transmitting the report of the Flour Inspector of San Francisco, which was read, and,

On motion of Mr. Hall, referred to the Committee on Commerce and Navigation

A message was also received from the Governor, together with a report from the Commissioners for the sale of State property, in relation to the Custom House Block, in the city of San Francisco, which was read, and,

On motion of Mr. Livermore, referred to the Committee on the Judiciary.

The following message was received from the Assembly :

BENICIA, January 17, 1854.

Mr. President :

I am instructed to inform the Senate that the Assembly passed on Saturday last, the following Bills and Resolutions :

A Concurrent Resolution, which is herewith presented, calling upon the Attorney General for his opinion in reference to School Land Warrants.

Joint Resolution in favor of an increase of the Mail Service between New York and San Francisco, and between New Orleans and San Francisco, and also between

San Francisco and Olympia, in the Territory of Washington, including the intermediate ports.

A bill for an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852.

A bill for an Act in relation to the Insane Fund

A bill for an Act to abolish the Board of Supervisors in the county of Tulare.

A bill for an Act for the relief of the Treasurer of Klamath county.

Also, a bill for an Act concerning the per diem of officers of the Senate and Assembly.

All of which is submitted, and the concurrence of the Senate respectfully asked.

B. McALPIN, Clerk.

The Senate concurred in the following Assembly Resolutions:

Resolved, the Senate concurring, That the Attorney General be and he is hereby directed to prepare and present to the Legislature now in session, at the earliest practicable period, an opinion on the legality of the locating of School Land Warrants, as now practiced in this State.

Assembly's Joint Resolutions for the increase of mail service between San Francisco and certain points, were read a first and second time, and on motion of Mr. Coffroth, referred to the Committee on Federal Relations.

On motion of Mr. Coffroth, Assembly bill, for an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853, was read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly bill for an Act in relation to the Insane Fund, was read first and second time, and on motion of Mr. Wade, referred to the Committee on State Hospitals.

Assembly bill for an Act to abolish the Board of Supervisors in the county of Tulare, was read first and second time, and on motion of Mr. Sawyer, was referred to Mr. Wade.

Assembly bill for an Act for the relief of the Treasury of Klamath county, was read a first and second time, and on motion of Mr. Sprague, referred to the Committee on the Judiciary.

Assembly bill for an Act concerning the per diem of officers of the Senate and Assembly, was read a first and second time, and on motion of Mr. Tuttle, was referred to the Committee on Contingent Expenses.

On motion of Mr. Tuttle, the vote by which the consideration of the bill to provide for the permanent location of the Seat of Government, was postponed until day after to-morrow, was re-considered.

On motion of Mr. Lyons, the roll was called, and Mr. Leake was found absent.

On motion to re-consider, the yeas and nays were demanded, and it was decided in the affirmative by the following vote:

YEAS.

Messrs. Bryan, Coffroth, Crabb, Crenshaw, Grewell, De La Guerra, Hudspeth, Kendall, Kurtz, Lyons, Moore, McFarland, McGarry, Sawyer, Stebbins, Tuttle, Walkup—17.

NAYS.

Messrs. Catlin, Colby, Hager, Hall, Hook, Keene, Lent, Livermore, Mahoney, Peck, Smith, Sprague, Wade, Whiting—14.

The bill was considered as in Committee of the Whole and reported back without amendment.

Mr. Sprague offered the following amendment :

Strike out the words "passage of this act," and insert, "the adjournment of the present session of the Legislature."

Mr. Coffroth called for a division of the question, and the Senate refused to strike out.

Mr. Lyons moved a call of the Senate, and Messrs. Leake and Stebbins were found absent.

Mr. Smith asked and obtained leave of absence for Mr. Gardner for one day.

Mr. Stebbins appeared and was admitted within the bar.

Mr. Leake appeared and was admitted.

On motion of Mr Smith, further proceedings under the call were dispensed with.

Mr. Catlin moved to postpone the further consideration of the bill until to-morrow.

Messrs. Sprague, Stebbins and Lyons demanded the yeas and nays, and the motion was agreed to by the following vote :

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Grewell, De la Guerra, Hager, Hall, Hook, Keene, Kendall, Lent, Livermore, Mahoney, Peck, Smith, Sprague, Tuttle, Wade, Walkup and Whiting—22.

NAYS.

Messrs. Crabb, Hudspeth, Kurtz, Leake, Lyons, Moore, McFarland, McGarry, Sawyer and Stebbins—10.

Mr. Lyons moved to make the bill the special order for 2 o'clock to-morrow.

Mr. Tuttle moved to amend be inserting 3 o'clock.

Which amendment was lost.

Mr. Sprague moved to insert 1 o'clock.

On which Messrs. Tuttle, Leake and Lyons demanded the yeas and nays, with the following result :

YEAS.

Messrs. Bryan, Catlin, Colby, Grewell, De la Guerra, Lyons, Sawyer, Sprague, Stebbins and Whiting—10.

NAYS.

Messrs. Coffroth, Crabb, Crenshaw, Hager, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, McGarry, Peck, Smith, Tuttle, Wade and Walkup—22.

So the amendment was lost.
Mr. Smith moved 12 o'clock.
Which was agreed to.

Mr. McFarland offered the following resolution.

Resolved, The Assembly concurring, That on Thursday, the 26th instant, at 12 o'clock M., the Senate and Assembly meet in Convention in the Assembly Chamber for the purpose of electing two Resident and two Visiting Physicians to the State Marine Hospital, located in San Francisco.

Which was read and on motion of Mr. Kendall, laid upon the table.

Mr. Kurtz presented a memorial from citizens of San Diego county, in reference to the construction of a more perfect map of the southern portion of the State.

Which was read and laid upon the table.

Mr. Crenshaw presented a bill for an Act prescribing the time, manner and place of holding elections for Senators to Congress.

Which was introduced without previous notice, was objected to and laid over under the rule.

Mr. Sawyer gave notice that he would, on to-morrow, introduce a bill to repeal an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, approved May 3, 1852.

Mr. Coffroth offered the following resolution:

Resolved, The Assembly concurring, That two from the standing committees on State Hospitals in each House be instructed to visit the State Marine Hospital, at San Francisco, and the Insane Hospital, at Stockton, and report upon their condition.

Which was adopted.

Mr. Mahoney introduced the following resolution:

Resolved, By the Senate, the Assembly concurring, That the Board of State Land Commissioners be authorized and instructed to assess and appraise the value of a certain tract or parcel of land situated in Solano county known as Signor or Mare Island, and report to this Legislature.

Mr. Livermore moved to insert after the word Island, "or such parts or interests therein as belong to this State."

Which was adopted.

Mr. Hagar moved to amend by inserting "Senate Committee on Public Lands."

On motion of Mr. Tuttle, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, January 18, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Wade, to whom was referred a bill for an Act to abolish the Board of Supervisors in the county of Tulare, reported the same back, recommending its passage.

Mr. Whiting, chairman of the Committee on Public Buildings, to whom was referred a proposition from certain citizens of Benicia, tendering a building to certain officers of State, submitted a majority report, recommending that the offer be declined, on account of the insufficiency of the building, and that the thanks of the Senate be tendered to them.

Mr. Crabb presented a minority report, recommending that the proposition be accepted, and the thanks of the Senate presented.

Mr. Hall, chairman of the special committee to whom was referred the special message of the Governor, together with propositions from the Mayor of Sacramento City and the Court of Sacramento County, and other communications relative thereto, presented a majority report, recommending a favorable consideration of the propositions, and the passage of a bill before the Senate providing for the permanent location of the Seat of Government of the State of California.

Mr. Kendall submitted a minority report adverse to the propositions.

Mr. Sprague also submitted a minority report, recommending a removal of the Seat of Government to Sacramento, after the 1st of July, 1854.

Mr. Hall presented the following resolution:

Resolved, That the Secretary of State be and he is hereby instructed to furnish each Senator with a copy of the Codified Statutes.

Which was laid upon the table.

On motion of Mr. Crenshaw, Senate bill for an Act prescribing the time, manner, and place of holding elections for Senators to Congress, was taken from the table and read a first time.

Mr. Crenshaw moved that the rules be suspended and the bill read a second time.

Mr. Hall objected.

The Chair decided that one Senator objecting, the bill would lie over under the rules.

From which decision, Mr. Crenshaw appealed.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the following vote was had:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, De la Guerra, Hager, Hall, Hook, Ken-

dall, Kurtz, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Stebbins, Tuttle, and Whiting—20.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Leake, Lyons, McGarry, Peck, Sprague, Wade, Walkup—13.

Mr. Sawyer, according to previous notice, introduced a bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the port of San Francisco, approved May 3, 1852.

Which was read a first time and objection being made to second reading, was laid over under the rule.

Mr. Colby from the Joint Committee appointed to inquire whether the contract in reference to the compilation and codification of the laws, had been complied with, reported:

That the fifth section of the Act under the contract was made, required that the whole number of copies should be delivered to the Secretary of State within six months from the adjournment of the last Legislature.

Your Committee is informed that only twenty-five out of the twelve hundred copies have been delivered to the Secretary of State, up to this time; hence the contract has not been complied with.

Your committee, upon examination find a want of classification, which is much to be regretted in a work of this character. Time has not been allowed them to examine the work sufficiently to report upon its true merits at this time, and they would ask to be discharged from the further consideration of the subject.

G. W. COLBY,
Chairman Senate Committee.
A. A. GREEN,
Chairman Assembly Committee.

The report was received and committee discharged.

A communication was received from the Secretary of State in reply to Senate Resolution of inquiry as to whether the various towns and cities which had made propositions relative to the different removals of the Seat of Government, had complied therewith—and accompanying documents.

On motion of Mr. Wade, the further reading was dispensed with, and the papers laid upon the table.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, to whom was referred the Governor's Special Message, together with the report of the Flour Inspector of San Francisco,—and also Assembly bill for an Act to repeal an Act entitled an Act to provide for the inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act for the inspection of Flour, passed May 18, 1853, reported them back with a recommendation that the bill of the Assembly be passed.

The report was received and laid upon the table.

The special order being a bill for an Act to provide for the permanent location of the Seat of Government of the State of California—was taken up for consideration, Mr. Lyons in the chair.

Mr. Sprague offered the following amendment:

Strike out "one day after the passage of this Act," and insert "the first day of July, 1854."

Mr. Coffroth called for a division of the question.

Upon striking out, the yeas and nays were demanded by Messrs. Sprague, Kurtz and Stebbins, with the following result:

YEAS.

Messrs. Hager, Sprague and Walkup—3.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins, Tuttle, Wade, Whiting—30.

So the Senate refused to strike out.

Mr. Coffroth moved that the bill be considered engrossed and read a third time,

Which was carried.

Mr. Tuttle moved that the Senate adjourn,

Which was lost.

Mr. Lent moved that the Senate take a recess for one hour.

Which was lost.

Mr. Hall moved that the Senate take a recess for two hours.

Mr. Leake moved that there be a call of the Senate,

Which was refused.

Upon the motion to take a recess for two hours, the yeas and nays were demanded by Messrs. Leake, Sawyer and Crenshaw.

With the following result:

YEAS.

Messrs. Catlin, Colby, Gardner, Grewell, Hall, Hook, Keene, Lent, Livermore, Mahoney, Sprague, Tuttle, Wade and Whiting—14.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Crenshaw, De la Guerra, Hager, Hudspeth, Kendall, Kurtz, Leake, Lyons, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins and Walkup—19.

So the motion was lost.

Mr. Whiting moved that the Senate adjourn.

The yeas and nays were demanded by Messrs. Crabb, Hagar and Smith, which resulted as follows:

YEAS.

Messrs. Catlin, Colby, Gardner, Grewell, Hall, Hook, Sprague, Tuttle, Wade, Walkup and Whiting—11.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Crenshaw, De la Guerra, Hager, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, McGarry. Peck, Sawyer and Smith—21.

So the Senate refused to adjourn.

Mr. Crabb moved a call of the Senate.

Which was agreed to, and

Mr. Stebbins was found absent.

Mr. Stebbins appeared, and was admitted within the bar.

Mr. Coffroth moved that further proceedings under the call be dispensed with,

Which was agreed to.

The question being upon the passage of the bill, the yeas and nays were demanded with the following result:

YEAS.

Messrs. Catlin, Colby, Gardner, Grewell, Hall, Hook, Keene, Livermore, Peck, Sprague, Tuttle, Wade, Walkup and Whiting—14.

NAYS.

Messrs. Bryan Coffroth, Crabb, Crenshaw, De la Guerra, Hager, Hudspeth, Kendall, Kurtz, Leake, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Sawyer, Smith and Stebbins—19.

So the bill was lost.

Mr. Hall gave notice that, as soon as the rules will permit, he will introduce a joint resoulution for the temporary removal of the Seat of Government.

Mr. Stebbins moved that 150 copies of Senate bill for an Act for the releasing of the title of the State to certain property in the city of San Francisco to the United States, and providing for compensation to individuals upon the same, be printed for the use of the Senate.

Which was agreed to.

On motion of Mr. Coffroth the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

Act to repeal an Act entitled an Act for the better publication of official and legal notices, recommending its passage.

The bill was considered in Committee of the Whole, Mr. Wade in the chair, and was reported back without amendment, and laid upon the table.

Mr. Hager, chairman of the Committee on the Judiciary, reported back a bill for an Act fixing the per diem and mileage of members of the Legislature, and to provide for their payment in cash, recommended that it be indefinitely postponed.

The report was accepted, and the bill laid upon the table.

The bill for an Act to repeal an Act entitled an Act to provide for the better publication of official and legal notices, was taken from the table.

Mr. Coffroth moved that the bill be considered engrossed and read a third time.

Mr. Walkup moved that the bill be laid upon the table.

Which was carried.

Mr. Wade moved to take from the table Assembly bill for an Act to abolish the Board of Supervisors in the county of Tulare.

Which was agreed to.

Mr. Wade moved that the bill be considered engrossed and read a third time.

Which was carried.

The bill was then read a third time and passed, the title being approved.

A communication was received from the Secretary of State in reference to the reception of the Codified Statutes, which was read and laid upon the table.

Mr. Hall called up a resolution instructing the Secretary of State to furnish each Senator with a copy of the Codified Statutes.

Mr. Bryan offered as a substitute, the following resolution:

Resolved, That the Secretary of State be directed by the Senate, the Assembly concurring, to accept and receive from the hands of the publishers of the Codified Laws, all of the copies of the same called for by the contract with them.

The substitute was accepted.

On motion of Mr. Crabb, the subject was referred to the Judiciary Committee, with instructions to obtain a copy and examine it, and report as soon as practicable.

Which was agreed to.

Mr. Gardner gave notice that on to-morrow, or some future day, he would introduce a bill to build a wharf into the bay of San Francisco.

On motion of Mr. Crenshaw, a bill for an Act prescribing the time, manner and place of holding elections for Senators to Congress, was taken from the table and read a second time.

Mr. Crenshaw moved that it be referred to the committee of the whole Senate, and made the special order of the day for Wednesday next.

On motion of Mr. Lent, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, January 20, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hudspeth, chairman of the Committee on Contingent Expenses, reported back Assembly bill for an Act concerning the per diem of Officers of the Senate and Assembly.

The report was accepted, and the bill laid on the table.

Mr. Coffroth, chairman of the Committee on Federal Relations, reported back Assembly Joint Resolution in favor of an increase of the mail service between New York and San Francisco, and between New Orleans and San Francisco, and also between San Francisco and Olympia, in the territory of Washington, including the intermediate ports of Humboldt Bay, Trinidad, Crescent City, and the mouth of Columbia river, with several amendments.

The report was accepted, and the resolutions and amendments laid upon the table.

Mr. Kendall, chairman of the Committee on State Hospitals, reported back Assembly bill for an Act in relation to the Insane Fund.

The report was accepted, and the bill laid upon the table.

The President presented the report of the Trustees of the Insane Asylum of the State of California, with reports of the Treasurer and Resident Physician.

They were, on motion of Mr. Kendall, referred to the Committee on State Hospitals to report as to the printing.

A message was received from the Assembly, transmitting the following resolution, to which the concurrence of the Senate was asked:

Resolved by the Assembly, (Senate concurring,) That a select committee of three from each House be appointed to examine the Codified Laws, published by the party or parties who contracted with the State to codify and publish the same in pursuance of a law passed at the last session of the Legislature, and that such committees report their opinion of the manner in which the contract has been executed.

Mr. Smith moved to lay the resolution on the table.

Which was agreed to.

Mr. Livermore gave notice that on Monday next, or some early day, he would introduce a bill to repeal the [illegible] section of an Act entitled an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, and to amend the fifth section thereof.

Mr. Lent asked and obtained leave to introduce a bill for an Act for the relief of Wm N. Walton.

Which was read a first and second time, and referred, on motion of Mr. Hall, to the Committee on Claims.

Mr. Crenshaw asked and obtained leave of absence for Messrs. Kurtz, McGarry and McFarland for three days.

Mr. Whiting gave notice that some time during the next week he would introduce a bill for an Act to provide for the manner of locating School lots in each and

every county in this State, when lots number 16 and 36 happen to fall on lands owned by private individuals.

On motion of Mr. Lent, Assembly bill for an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853, was taken from the table, and read a third time.

Upon the passage of the bill, Messrs. Sawyer, Moore, and Coffroth, demanded the yeas and nays with the following result:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hager, Hall, Hook, Hudspeth, Keene, Kendall, Lent, Livermore, Lyons, Moore, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup—25.

NAY.

Mr. Whiting—1.

Mr. Smith asked and obtained leave to introduce a bill for an Act to provide a contingent fund for the Senate and Assembly.

Which was read a first and second time, and referred to the Committee on Contingent Expenses.

On motion of Mr. Sawyer, a bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, approved May 3, 1852, was taken from the table, read a second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Colby, a bill for an Act concerning the per diem of officers of the Senate and Assembly, together with the amendment of the committee, was taken from the table.

To the amendment of the committee, Mr. Tuttle offered the following:

Strike out after the words extra clerks, the word "twelve," and insert "fourteen,"

Which was adopted.

Mr. Hager moved to amend by adding to the section:

To the Chaplain of the Senate, twelve dollars per diem,

Which was agreed to.

On the adoption of the amendment, the following vote was had:

YEAS.

Messrs. Bryan, Catlin, Colby, Crabb, Coffroth, Crenshaw, Gardner, Grewell, De La Guerra, Hall, Hook, Hudspeth, Kendall, Lent, Lyons, Mahoney, Moore, Peck, Smith, Stebbins, Tuttle and Wade—22.

NAYS.

Messrs. Hager, Keene, Sawyer, Sprague, Walkup and Whiting—6.

Mr. Coffroth moved that the bill be read a third time,

Which was carried.

Upon the passage of the bill, the yeas and nays were demanded with the following result:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De la Guerra, Hall, Hudspeth, Lent, Lyons, Mahoney, Moore, Peck, Smith, Stebbins, Tuttle and Wade—19.

NAYS.

Messrs. Gardner, Hager, Hook, Keene, Sawyer, Sprague and Walkup—7.

So the bill passed, and the title was approved.

Mr. Wade gave notice that he would on Monday next, or soon thereafter, introduce a bill to amend an Act entitled an Act to regulate elections, passed March 23, 1850.

Mr. Smith offered the following resolution:

Resolved, That the Secretary of State be requested to furnish as soon as possible the extra committee rooms, engaged by the Sergeant-at-Arms, with suitable furniture.

Mr. Grewell gave notice that he will at an early day introduce a bill for an Act to encourage the settlement and secure improvements on wild and unoccupied lands.

Assembly bill for an Act in relation to the Insane Fund, was taken up and read a third time and passed—the title being approved.

Senate bill for an Act fixing the per diem and mileage of members of the Legislature and to provide for their payment in cash, was taken up, and on motion of Mr. Walkup, was again laid upon the table.

On motion of Mr. Whiting a bill for an Act to repeal an Act entitled an Act to provide for the better publication of official and legal notices, was taken up, and on motion of Mr. Crenshaw, again laid upon the table.

Assembly bill for an Act for the relief of the Treasurer of Klamath county, came up on its third reading, and on motion of Mr. Wade, was laid upon the table.

Senate bill for an Act prescribing the time, manner, and place of holding elections for Senators to Congress, came up on its third reading.

Mr. Walkup moved that it be referred to the committee of the whole Senate, and made the special order for Thursday next, to be continued from day to day until disposed of.

Mr. Coffroth moved to amend by inserting Monday week, upon which the yeas and nays were demanded by Messrs. Colby, Coffroth and Kendall, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Keene, Lent, Livermore, Mahoney, Moore, Smith, Stebbins, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De la Guerra, Hook, Hudspeth, Kendall, Lyons, Peck, Sawyer, Wade and Walkup—14.

So the amendment was lost.

The original motion was then carried

Senate concurrent resolution, instructing the State Land Commissioners to assess and appraise the value of Mare Island, was taken up, and on motion of Mr. Hager again laid upon the table.

Mr. Kendall, chairman of the Committee on State Hospitals, reported that they had examined the report of the Physician and Board of Trustees of the Insane Asylum, and recommend that they be printed in full.

The report of the committee was accepted and laid upon the table.

Mr. Coffroth moved to strike out the part of the report relating to Meteorological Observations.

Which was lost.

Mr. Catlin moved that three thousand copies be printed.

Which was agreed to.

On motion of Mr. Keene, the Senate adjourned.

B. F. KEENE,
President *Pro tem.* Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, January 21, 1854.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hudspeth, chairman of the Committee on Contingent Expenses, reported back a bill for an Act to provide a contingent fund for the Senate and Assembly, recommending that it be amended so as to increase Senate fund from twenty-five hundred to three thousand dollars.

By consent, Mr. Catlin introduced a substitute, which was amended as recommended by the committee.

On motion of Mr. Smith, the bill was read a first and second time, considered engrossed, read a third time and passed. the title being approved.

Mr. Kendall gave notice that he would, at an early day, introduce a bill in relation to Tuolumne county Scrip.

Mr. Walkup asked and obtained leave of absence for Mr. Tuttle for one day.

Mr. Hager, chairman of the Committee on the Judiciary, submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred the communication of the

Treasurer and the Attorney General, relative to receiving the State Prison Bonds in payment for the water property of the State, in the city of San Francisco, sold under the law of 1853, beg leave to report—

That the Treasurer is not authorized to receive in payment for said property, the State Prison Bonds issued under the Act passed May 11, 1853.

By the thirteenth and fourteenth sections of the Act under which these Bonds were issued, a special fund is provided for the payment of the interest and principal of these Bonds, and the Act, as it appears by section seventeenth, is to continue in operation until the debt and interest on the same thereby created is paid.

The Act then under which the Bonds were issued is for a special purpose, and by its terms provided for the payment of the debt and interest thereby created.

This is in the nature of a contract between the State and the holders of these Bonds, and the latter cannot demand or enforce their payment in any other mode than that provided in the Act.

Respectfully submitted,

JOHN S. HAGER.

Mr. Catlin submitted the following minority report:

Mr. President,

The undersigned, of the minority of the Judiciary Committee, to whom was referred communications from the Treasurer of State, respectfully dissents from the opinion reported by the majority, and recommends the adoption of the following resolution:

Resolved, That whereas, the Act providing for the sale of the interest of the State in certain lands in San Francisco, provides, among other means, that payment for the same may be made in the Civil Bonds of the State; therefore it is the duty of the State Treasurer to receive in such payment State Prison Bonds.

A. P. CATLIN.

The reports were accepted and laid upon the table.

Mr. Sprague introduced the following resolution:

Resolved, That the Secretary be requested to furnish at his earliest convenience a suitable clock, to be placed in the Hall of the Senate.

Which was adopted.

Mr. Coffroth gave notice that he would at an early day introduce a bill to be entitled an Act to protect the bodies of deceased persons and public grave yards.

Mr. Bryan gave notice of intention to introduce a bill for an Act providing for the improvement of the navigation of the upper Sacramento, Feather and Yuba rivers, and asking an appropriation for the same.

Mr. Sawyer asked and obtained leave of absence for Mr. Peck for one day.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed yesterday a bill for an Act requiring the Comptroller to audit certain bills of the Members of the present Legislature.

They also passed Senate bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

That they concurred in Senate resolution to appoint a Joint Committee to examine the Marine Hospital and Insane Asylum, and have amended the same, as therein shown; and have appointed on the part of the Assembly Messrs. Spencer, Irwin and Horr said committee.

They also refused to concur in the amendments made by the Senate to Assembly bill in reference to the per diem pay of the officers of the Senate and Assembly.

All of which is respectfully submitted.

B. McALPIN,
Clerk.

Assembly bill for an Act requiring the Comptroller to audit certain bills of the Members of the present Legislature,

Was read a first and second time and referred to the Committee on Finance.

On motion of Mr. Lyons, the Senate concurred in Assembly amendment to increase the number of the Joint Committee appointed to visit and report upon the condition of the State Marine Hospital and the Insane Asylum, and Mr. Hudspeth was added to the committee.

On motion of Mr. Lyons, the Senate refused to recede from Senate's amendments to Assembly bill for an Act concerning the per diem of officers of the Senate and Assembly, and

On motion of Mr. Wade, a committee of free conference was appointed on the disagreeing vote of the two Houses.

Messrs. Wade, Whiting and Walkup were appointed the committee.

Assembly bill for an Act to amend an Act concerning Sheriffs, passed April 29, 1851,

Was read a firt and and second time, and on motion of Mr. Sprague, referred to the Judiciary Committee.

Assembly bill for an Act in relation to the supplies of Fuel and other contingent expenses of the Legislature,

Was read first and second time, and referred to the Committee on Contingent Expenses.

Mr. Whiting offered a concurrent resolution instructing the Treasurer not to receive in payment for State property, the State Prison Bonds, until further Legislative action be had.

Which was adopted.

Assembly joint resolutions relative to the establishment of a State Agricultural Institute,

Was read a first and second time, and referred to the Committee on Agriculture.

Assembly bill for an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853,

Was read a first and second time, and objections to its second reading being made by Mr. Walkup, it was laid over under the rule.

A message was received from the Assembly informing the Senate that the Assembly had this day passed a bill for an Act authorizing the Governor to pardon Timothy Donovan,

Which was read a first and second time, and on motion of Mr. Bryan referred to the Judiciary Committee.

Mr. Mahoney introduced the following resolution:

Resolved. That the Secretary of the Senate be requested to call on the State Printer for the Rules and Joint Rules ordered printed some days since.

Mr. Smith moved to lay the resolution on the table.

Which was lost, and the resolution was then adopted.

Mr. Mahoney moved to take from the table a resolution directing the State Land Commissioners to assess and appraise the value of Signor or Mare Island.

Which was agreed to.

Mr. Mahoney offered the following as a substitute:

Resolved, That the Senate Committee on Public Lands be instructed to inquire into, assess and appraise, the State interest in a certain tract or parcel of land situated in Solano county, known as Signor or Mare Island, and report the same to this Legislature, within five days.

Which was adopted.

Mr. Whiting offered the following resolution:

Resolved, That a committee of three be appointed to fix the number of Clerks to be employed by the Senate Committees and the manner of their appointment and report the same to the Senate.

Mr. Walkup moved to lay the resolution on the table.

Upon which Messrs. Sprague, Whiting and Walkup, demanded the ayes and nays with the following result:

YEAS.

Messrs. Bryan, Crenshaw, Hook, Livermore, Sawyer, Sprague, Walkup—7.

NAYS.

Messrs. Catlin, Coffroth, Colby, De la Guerra, Lent, Lyons, Mahoney, May, Moore, McGarry, Wade, Whiting—12.

So the motion was lost.

Mr. Lent offered the following as a substitute:

Resolved, That the Chairman of the Judiciary Committee be empowered to employ one or more Clerks as the wants of the Committee may require.

Upon the adoption of which, Messrs. Sprague, Keene and Walkup, demanded the ayes and nays with the following result:

YEAS.

Messrs. Catlin, Colby, Kendall, Lent, Lyons, Mahoney—6.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, De la Guerra, Hager, Hook, Keene, Livermore, May, Moore, McGarry, Sawyer, Smith, Sprague, Wade, Walkup and Whiting—17.

Messrs. Lyons, Smith and Walkup, demanded the ayes and nays upon the original resolution.

Which resulted as follows:

YEAS.

Messrs. Catlin, Coffroth, Colby, Kendall, Leake, Lent, Lyons, Mahoney, May, Moore, McGarry, Smith, Wade and Whiting—14.

NAYS.

Messrs. Bryan; Crenshaw, De La Guerra, Hager, Hook, Keene, Livermore, Sawyer, Sprague and Walkup—10.

So the resolution was adopted, and Messrs. Whiting, Smith and Leake, appointed the Committee.

Mr. Wade, from the Committee of Conference appointed on the disagreeing votes of the two Houses on Assembly Bill for an Act concerning the per diem of Officers of the Senate and Assembly, made a report and submitted a substitute.

Which was read a first, second and third time, and passed, the title being approved.

Mr. Lent moved that the Senate adjourn to Tuesday at 11 o'clock.

The ayes and nays were demanded by Messrs. Hager, Sprague and Lyons.

Which resulted as follows:

YEAS.

Messrs. Catlin, Colby, De la Guerra, Hager, Keene, Kendall, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Wade and Whiting—15.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, Hook, Leake, McGarry, Sawyer, Sprague and Walkup—9.

So the Senate adjourned to Tuesday morning, 11 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND,
Secretary.

IN SENATE.

TUESDAY, Jan. 24, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

Journal of Saturday was read and approved.

Mr. Sawyer presented two petitions from citizens of Calaveras County, praying a removal of the Seat of Government to the city of Sacramento, which on motion of Mr. Wade, were referred to the Committee on State Prison and Public Buildings.

Mr. Sawyer gave notice that he would on to-morrow, or soon thereafter, introduce a bill for an Act amendatory of, and supplementary to an Act entitled an Act concerning the Courts of this State, and Judicial Officers, approved May 19, 1853.

Mr. Tuttle gave notice of intention to introduce a bill for an Act to be entitled an Act to enable the personal representatives of persons deceased, to maintain action in certain cases.

Mr. Coffroth submitted the following resolutions:

Resolved, That M. G. Upton, G. O'Doherty and William Coates, be declared and are hereby employed as Official Reporters of the proceedings of the Senate in the matter of the examination of the alleged attempt to bribe the Senator from Butte.

Resolved, That the testimony of witnesses in the above case shall not be published until passed upon by the Senate.

Which were adopted.

According to previous notice, Mr. Gardner introduced a bill for an Act to authorize Jesse Brush to build a Wharf at the end of Union street into the bay of San Francisco, which was read a first time, and objection being made by Mr. Walkup, it was laid over under the rule.

Mr. Wade moved that the consideration of the special order of the day be postponed until 1 o'clock.

Which was agreed to.

After notice given, Mr. May introduced a bill for an Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, approved May 1, 1822; which was read a first and second time, and referred to the Committee on the Judiciary.

Assembly bill for an Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853, was read a second time, and on motion of Mr. Sprague was referred to the Committee on the Judiciary.

Senate bill for the same object, was taken up, and on motion of Mr. Whiting, again laid upon the table.

The following message was received from the Assembly:

Mr. President :

I am directed to inform the Senate that the Assembly on Saturday last, concurred in the report of the Committee of Conference in reference to the per diem pay of the officers of the Senate and Assembly, and they have concurred in the substitute of the Senate for Assembly bill.

The Assembly concurred in the resolution of the Senate, instructing the Treasurer of State in reference to State Prison Bonds.

They have passed a Concurrent Resolution in reference to the Codified Laws of this State which is herewith presented.

They also passed the following bills :

An Act to provide for the Salary of the Clerks in the State Department.

An Act to declare Crescent City the county seat of Humboldt county, and to legalize the official acts of the County Judge and other county officers in changing the seat of Justice of said county from Trinidad to Crescent City.

All of which is respectfully submitted.

B. McALPIN, Clerk.

Assembly Concurrent Resolution relative to the reception of the Codified Statutes was taken up, and on motion of Mr. Colby, referred to the Judiciary Committee.

Mr. Wade offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to furnish seats within the Senate Chamber for Mr. Palmer and his counsel, not to exceed two.

Which was adopted.

Mr. Hager introduced the following resolution :

Resolved, That during the investigation of the charge made by the Senator from Butte, Mr. Peck, against Joseph C Palmer, the counsel of the respective parties be allowed to participate therein, to introduce testimony, and to examine and cross-examine witnesses.

Which was adopted.

Mr. Kurtz gave notice that at some future day he would introduce a bill, authorizing the building of a Wharf at the end of Green street into the Bay of San Francisco.

Mr. Sprague moved to refer Assembly bill in reference to the removal of the county seat of Klamath county to Crescent City, to the Senator from the twelfth Senatorial District.

Which was agreed to.

Assembly bill for an Act to provide for the salaries of clerks in the State Department, was read a first and second time, and on motion of Mr. Sprague, referred to the Committee on Public Expenditures.

Mr. Crenshaw presented a report from the select committee appointed to confer with Thomas O. Larkin, Esq., and others, in reference to a picture of Washington, recommending the passage of the following resolutions :

Resolved, That the Senate receive the picture of Washington, tendered to the

State of California by Messrs. Thomas O. Larkin, Albert Priest, Wm. D. M. Howard and Samuel J. Hensley, and that the same be placed in the Senate Chamber to the left of the President of the Senate.

Resolved That the thanks of the Senate be tendered Messrs. Thomas O. Larkin, Albert Priest, Wm. D. M. Howard and Samuel J. Hensley, for so valuable and patriotic a donation to the State of California.

Resolved, That the Sergeant-at-Arms of the Senate be ordered to proceed to the city of San Francisco, and with such assistance as he may deem necessary to employ, receive and transport the said picture to the Senate Chamber.

The resolutions were adopted.

The President announced that the hour for the consideration of the special order had arrived.

The special reporters came forward and were qualified by the President.

Mr. Palmer appeared with his counsel, Messrs. Williams and Field, who were provided with seats within the bar of the Senate.

Mr. Baker appeared as counsel for Mr. Peck.

The Sergeant-at-Arms reported that he had served subpœnas upon the following persons: A. A. Selover, J. C. Palmer, W. H. Graham, W. S. Sherwood, W. T. Barbour, W. H Taylor, and Thomas McGuire.

Mr. Hager moved that there be a call of the Senate.

Which was lost.

Mr. Coffroth asked leave of absence for Mr. May,

Which was granted.

Mr. Sprague moved that Mr. Palmer be permitted to make his statement in full, without interruption.

Which was agreed to.

Having, at his request, been sworn by the President, Mr. Palmer made the folfowing oral statement:

On the day of the Inauguration of Governor Bigler, which was Saturday, I, among others, came up to Benicia. On or about the time I was leaving the boat, I was introduced to Mr. Peck, a member of this body.

After being out some fifteen or twenty minutes from San Francisco, in the lower saloon of the boat, while promenading there, Mr. Peck came along. We walked together. He very soon said, "Whether Mr. Palmer supposed the Capital question would come up before many days."

I said "I supposed it would."

Said he, "How do you stand—what is your preference?"

I said, "I have none in the world: it is a matter of entire indifference to me where the Capital goes, but I do think that it would be well for the State if they stopped some time or other—it would be for the credit of the State."

"What is your opinion," I said, "Mr. Peck?"

"I have," said he, "not decided."

"What will be the result of the vote?"

"I think that and the Senatorial question will be about an even thing."

I said "I think you are mistaken, so far as the Senatorial question is concerned. I feel somewhat interested in that myself."

He said, "You do? What is your choice, Mr. Palmer?"

I said, "I would like to see Mr. Brodorick elected."

He said, "I am a New Yorker, and I suppose I, too, would like to vote for Mr. Broderick, but I have had right bad luck. I have had a good deal of sickness in the country. I have paid $1,500 doctor's bills, and $3,000 would not make me

whole in this electioneering campaign. I think it no more than right that I should get whole, at any rate. Don't you think so?"

I said, "Mr. Peck, this is a matter which, so far as I judge, is not for me."

"Well," said Mr. Peck, "if I could get $5,000, I could pledge one vote, and that is Col. May's."

I said, "How could you pledge Col. May's vote, Mr. Peck?"

He said, "We room together, and we are going to vote together."

I said, "Mr. Peck, $5,000 is a great deal of money." We left—separated.

This was the only conversation of any name or character that we had together on the passage up.

I had been in this city about fifteen minutes, I should judge, when he came along and introduced me to Col. May. Him I then saw for the first time. I saw Mr. Peck in the city once or twice after that, but I had no conversation with him. I saw him again when I came on board the boat that evening to go to San Francisco, and when he entered I nodded; I had no conversation with him from the time that we left Benicia until the Tuesday following, when Mr. Peck called into my office—of Palmer, Cook & Co., or I was told so by one of the house, and inquired for me; I should think that it was about two o'clock; I was in the office when Mr. Peck came in.

Mr. Peck said: "Mr. Palmer, I should like to have a few moments' conversation with you."

My reply was, "I am engaged, Mr. Peck, and can't see you."

That was the only conversation I had with him, and did not see him again for some time after. I met him on the boat coming from Benicia—on the wharf—I met him again to-day. These were all the times that I ever saw him, and I had no conversation with him on any other occasion.

On motion of Mr. Coffroth, the Senate adjourned to 10'clock to-morrow.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, January 25, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hager moved that the testimony in the investgation pending before the Senate shall not be spread upon the Journal.

Upon which the yeas and nays were demanded by Messrs. Sprague, Tuttle, and Hager.

Which resulted as follows :

YEAS.

Messrs. Catlin, Crabb, Grewell, De la Guerra, May—5.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hager, Hall, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Lyons, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup, Whiting—25.

On motion of Mr. Whiting, the reading of the testimony was dispensed with.

Mr. Sprague submitted the following resolution :

Resolved, That the testimony, as reduced to writing by the official reporters, in the matter of the investigation of an attempt to bribe the Senator from Butte, (Mr. Peck,) be carefully preserved by the Secretary for the future action of the Senate.

Which was adopted.

Mr. Hager, chairman of the Judiciary Committee, reported back Assembly bill for an Act authorizing the Governor to pardon Timothy Donovan, recommending its passage.

The bill was read a third time and passed.

Mr. Hager also reported back Assembly bill for an Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853, recommending its passage

On motion of Mr. Lent, the bill was read a third time, and upon its passage the yeas and nays were demanded by Messrs. Crabb, Lent and Sprague, with the following result :

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De la Guerra, Hager, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Wade and Whiting—27.

NAYS.

Messrs. Leake, Tuttle and Walkup—3

So the bill passed.

Mr. May, from the Select Committee, reported back, recommending its passage, a bill for an Act declaring Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the seat of justice of said county from Trinidad to Crescent City.

On motion of Mr. Sprague, the bill was read a third time and passed.

According to previous notice, Mr. Tuttle introduced a bill for an Act to enable the personal representatives and next of kin of persons deceased to maintain suits in certain cases.

Which was read a first and second time, and on motion of Mr. Sprague, referred to the Judiciary Committee.

The President announced that the hour for the consideration of the special order had arrived.

Mr. Wade submitted the following resolution:

Resolved, That the testimony of Wm. Hicks Graham be taken on to-morrow morning (the 26th of January) on behalf of J. C. Palmer, at 12 o'clock, before Geo. T. Knox, Notary Public, or in his absence before any other Notary, at the room of said Graham, without further notice to either party, and that such evidence be read as evidence in the case of alleged attempt to bribe, now pending before the Senate.

Which was adopted.

Mr. Williams, one the counsel for J. C. Palmer, proposed the following question to be made to Mr. Peck:

You stated in your direct examination that you did not recollect any of the conversation between yourself and Mr. Palmer on your way up from San Francisco—and I understand you subsequently to give some portions of those conversations. Will you please explain your meaning in the first statement?

The question was objected to by Mr. Peck's counsel.

The question being, Shall the question be asked Mr. Peck? the yeas and nays were demanded by Messrs. Kendall, Moore and Smith, with the following result:

YEAS.

Messrs. Coffroth, Colby, De la Guerra, Hager, Hall, Hook, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Kendall, Kurtz, Leake, May, Sawyer, Smith and Walkup—14.

Mr. Moore offered the following resolution:

Resolved, That when, during the conduct of the present investigation, any disagreement shall arise between counsel as to the propriety of any question propounded to a witness, or as to the testimony which has been given during any former part of

the investigation, the same shall be determined without debate by a vote of the Senate, on motion to that effect.

Which was adopted.
On motion of Mr. Catlin the Senate took a recess to 3 o'clock.

Senate re-assembled at 3 o'clock.
Objection was made to the following question:

How was the conversation opened on the boat between you and Col. May?

The President asked—Shall the question be put?
On which the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hager, Hall, Hook, Kendall, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Wade and Whiting—20.

NAYS.

Messrs. Catlin, Crabb, Grewell, Hudspeth, Kurtz, Leake, Smith and Walkup —8.

Mr. Hager, submitted the following:

Resolved, That the Committee on Public Lands have leave to absent themselves from the Senate on Thursday, the 20th inst., for the purpose of visiting Mare Island.

Which was lost.

On motion of Mr, Crenshaw, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, January 26, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev, Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Sprague, chairman of the Committee on Finance, reported back Assembly bill for an Act requiring the Comptroller to audit certain bills of the present Legislature, recommending that it be indefinitely postponed.

The report was accepted, and the bill laid upon the table.

Mr. Whiting, chairman of the Committee on State Prison and Public Buildings, reported back petitions from citizens of Calaveras county relative to removal of the Seat of Government to Sacramento, recommending that they be referred to the delegation from Calaveras.

The report was adopted.

Mr. Coffroth presented the petition of certain ladies of the State of California, praying the passage of a law embracing the essential features of the Maine Liquor Law,

Which was read and referred to the Committee on Vice and Immorality.

Senate bill for an Act to authorize Jesse Brush to build a wharf at the end of Union street into the Bay of San Francisco,

Was read a second time, and on motion of Mr. Lyons was referred to the Committee on Commerce and Navigation.

Senate bill to repeal an Act for the better publication of Official and Legal Notices, come up on its third reading, and was

On motion of Mr. Hager, laid upon the table.

Mr. Wade moved to reconsider the vote of yesterday by which a resolution granting leave of absence to the Committee on Public Lands to visit and appraise the value of the interest of the State in Mare Island, for this day,

Which was agreed to, and the resolution was adopted.

Mr. Whiting, chairman of the Select Committee appointed to inquire as to the appointment of Committee Clerks of the Senate, reported, recommending the appointment of three clerks in manner and form as therein specified.

The report was accepted and laid upon the table.

Mr. Hall gave notice of intention to introduce a bill for an Act to amend an Act entitled an Act concerning Corporations, approved April 22, 1850.

Also, to introduce by bill or otherwise, a measure to grant leave of absence to Hon. J. M. Howell, Judge of the Eleventh Judicial District.

According to previous notice, Mr. Sawyer, introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of this State and Judicial Officers, approved May 19, 1853.

Which was read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Grewell introduced a bill for an Act to encourage the settlement and secure improvements on wild and unoccupied lands,

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly joint resolutions No. 22, in favor of increased Mail service for California and Oregon, were considered in Committee of the Whole, and reported back amended, as recommended by the Committee on Federal Relations.

The Senate concurred in the amendments, and the resolutions were read a third time and passed.

Mr. McFarland submitted the following:

Resolved, That the use of the Senate Chamber be tendered to Thomas F. Meagher, Esq., the eloquent Irish Patriot, for the purpose of delivering a lecture, at such time as may be most convenient to him; and that the Secretary of the Senate be instructed to inform him of the passage of this resolution.

Which was adopted.

Assembly bill for an Act for the relief of the Treasurer of Klamath county was taken up, and again laid upon the table.

After notice, Mr. Smith introduced a bill for an Act supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State,

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Smith moved that 240 copies be printed.

Which was lost.

Mr. Lyons moved that the usual number of copies of a bill for an Act to encourage the settlement and secure improvements on wild and unoccupied lands be printed.

Which was agreed to.

Mr. Sawyer moved to take from the table the report of the chairman of Committee on State Prison and Public Buildings, in reference to the employment of Committee Clerks.

Which was agreed to.

Mr. Sawyer moved that the report be adopted.

Mr. Sprague moved that it be indefinitely postponed, on which

Messrs. Sprague, Walkup and Stebbins demanded the yeas and nays, which resulted as follows:

YEAS.

Messrs. Colby, Crenshaw, De la Guerra, Hook, Livermore, Sprague and Walkup—7.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Grewell, Hall, Hudspeth, Leake, Lent, Lyons, Mahoney, May, Moore, Peck, Sawyer, Smith, Stebbins, Tuttle, Wade and Whiting—19.

Mr. Walkup moved that there be a call of the Senate.

Which was lost.

Mr. De la Guerra moved that the report be laid upon the table, on which the yeas and nays were demanded by Messrs. Walkup, De la Guerra and Sprague, with the following result:

YEAS.

Messrs. Colby, Crenshaw, De la Guerra, Hook, Livermore, McFarland, Sprague, Stebbins, Tuttle and Walkup—10.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Gardner, Grewell, Hall, Hudspeth, Leake, Lent, Lyons, Mahoney, May, Moore, Peck, Sawyer, Smith, Wade and Whiting—18.

So the motion to lay upon the table was lost.

The question recurring upon the adoption of the report, the yeas and nays were demanded by Messrs. Sprague, Livermore and Mahoney, which resulted as follows:

YEAS.

Messrs. Bryan Coffroth, Crabb, Gardner, Grewell, Hall, Hudspeth, Kendall, Leake, Lyons, Mahoney, May, Moore, McFarland, Peck, Sawyer, Smith, Wade and Whiting—19.

NAYS.

Messrs. Colby, Crenshaw, De la Guerra, Hook, Livermore, Sprague, Stebbins, Tuttle and Walkup—9.

The President announced that the hour had arrived for the consideration of the special order.

Wm. H. Taylor appeared and was sworn.

F. J. Dunn was introduced and sworn.

Mr. Whiting moved that the Senate take a recess to 3 o'clock.

Which was agreed to.

Senate re-assembled at 3 o'clock, Mr. Lyons in the chair.

Mr. Selover was introduced by counsel for Mr. Palmer and sworn.

Mr. Whiting submitted the following resolution:

Resolved. That Mr. Selover be allowed to state all the conversation which took place between him and Mr. Palmer in relation to the overland trip to Benicia on the evening of the 10th inst.

The yeas and nays were demanded by Messrs. Bryan, Livermore and Whiting, with the following result:

YEAS.

Messrs. Coffroth, Colby, Crenshaw, Gardner, Hager, Hall, Kendall, Lent, Livermore Lyons, Mahoney, May, Moore, McFarland, McGarry, Sprague, Stebbins, Tuttle and Whiting—19.

NAYS.

Messrs. Bryan, Catlin, Crabb, Grewell, Hook, Hudspeth, Kurtz, Leake, Sawyer, Smith, Wade and Walkup—12.

Mr. Lent moved that all the witnesses upon both sides of the matter under trial be excluded from the Senate while the present examination was going on.

To which Mr. Crabb moved the following amendment:

That Mr. Palmer be requested to retire while the witness, Mr. Selover, is stating a conversation between himself and Mr. Palmer.

Upon which Messrs. Smith, Coffroth and Lent demanded the yeas and nays, with the following result:

YEAS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Kurtz, McGarry, Sawyer, Smith, Sprague, Walkup—13.

NAYS.

Messrs. Coffroth, Colby, Hager, Hall, Leake, Lent, Livermore, Mahoney, May, Moore, Stebbins, Tuttle, Wade, Mr. President—14.

Mr. Lent withdrew his resolution.

On motion of Mr. Crenshaw, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, January 27, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.
Mr. De la Guerra asked and obtained leave of absence for twenty days.

Mr. Hager, Chairman of the Judiciary Committee, submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred the petition in behalf of

John G. Bircham, have had the same under consideration, and recommend that the prayer of the petitioners be granted.

Your Committee further recommend that an Act be passed, (herewith reported,) authorizing the Court of Sessions of El Dorado county to release the said Bircham and his sureties from the recognisance entered into by them for the appearance of said Bircham, and any judgment entered or that may hereafter be entered thereon.

JOHN S. HAGER,
Chairman.

Senate bill for an Act to authorize the release of John G. Bircham and his sureties from a recognisance and judgment, was read a first, second, and third time, and passed.

According to previous notice, Mr. Hall introduced a bill for an Act to amend an Act entitled an Act concerning Corporations, approved April 22, 1850.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills report that they have examined and found correctly enrolled the following Acts:

An Act to abolish the Board of Supervisors of Tulare county.

An Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852; and to repeal an Act amendatory of an Act to provide for the Inspection of Flour, passed May 18, 1853.

An Act to declare Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers, in changing the seat of justice of said county from Trinidad to Crescent City.

An Act authorizing the Governor to pardon Timothy Donovan.

An Act in relation to the Insane Fund; and

An Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

S. B. SMITH,
Chairman.

Mr. Coffroth offered the following resolution:

Resolved, That the resolution passed on the 24th inst., appointing Messrs. Upton, O'Doherty and Coates, official reporters, be rescinded, and that Wm. Coates be hereby declared official reporter of the alleged bribery examination.

Which was adopted.

Mr. Bryan submitted the following resolution:

Resolved, That the injunction of secrecy heretofore imposed by the Senate upon the reporters regularly appointed by the Senate during the investigation of the bribery case, be now removed, and the testimony taken by the regular reporters be allowed to be published.

Which was adopted.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 20th, a joint resolution in reference to postal arrangements in this State, and that the Assembly passed, on yesterday,

A bill for an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county.

All of which is herewith presented.

B. McALPIN,
Clerk.

Assembly joint resolution in reference to postal arrangements in this State, was read a first and second time, and,

On motion of Mr. Crabb, referred to the Committee on Federal Relations.

Assembly bill for an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county,

Was read a first and second time, and referred to Mr. May.

The deposition of Wm. Hicks Graham was received, and,

On motion of Mr. Crabb, placed in the hands of Mr. Palmer's counsel.

Mr. Colby submitted the following resolution:

Resolved, (The Assembly concurring,) That the further printing of the Journals of the Senate and Assembly be suspended until some Act be passed modifying the present system of printing.

Mr. Crabb moved to lay the concurrent resolution in reference to printing of the Journal on the table.

Upon which the yeas and nays were demanded by Messrs. Lent, Kendall and Stebbins.

Which was decided in the negative by the following vote.

YEAS.

Messrs. Bryan, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Leake, Lyons, McFarland, Smith and Wade—12.

NAYS.

Messrs. Catlin, Coffroth, Colby, Hager, Hall, Hook, Lent, Livermore, Mahoney, May, Sawyer, Sprague, Stebbins and Walkup—14.

Mr. Colby gave notice that on Monday next he would introduce a bill for an Act defining the duties of State Printer, fixing the compensation, and define the mode and manner of the election thereof.

Mr. Crabb moved to lay the resolution in reference to the printing of Journals on the table.

Upon which the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Kendall, Leake, Lyons, McGarry, Sawyer, Smith, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Coffroth, Colby, Hager, Hall, Hook, Lent, Livermore, Mahoney, Moore, Sprague, Stebbins, Walkup—12.

The President announced that the hour for the consideration of the special order had arrived.

At the suggestion of the counsel for Mr. Peck (Col. Baker), Messrs. Mahoney and Lent withdrew from the Senate Chamber, while Mr. Selover, (the witness,) testified as to a conversation had with Mr. Peck in their presence.

Mr. Baker presented the following objection to a question proposed by the counsel of Mr. Palmer, (Mr. Williams.)

"Counsel for Mr. Peck objects to the conversation between Mr. Selover and Mr. Palmer being detailed by the witness."

The question being, "Shall the question be put?"

The yeas and nays were demanded by Messrs. Wade, Leake, and May.

Which resulted as follows:

YEAS.

Messrs. Coffroth, Colby, Hager, Hall, Kendall, Lent, Livermore, Mahoney, May, Moore, Tuttle, Whiting—12.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Hook, Hudspeth, Kurtz, Leake, Lyons, McGarry, Sawyer, Smith, Sprague, Wade, Walkup—15.

Mr. Sawyer moved that the Senate take a recess to 3 o'clock.

Which was agreed to.

Senate re-assembled at 3 o'clock.

Judge Sherwood was introduced and sworn.

Mr. Catlin moved that the Senate adjourn.

Upon which the yeas and nays were demanded by Messrs. Coffroth, May, and Catlin.

Which resulted as follows:

YEAS.

Messrs. Catlin, Crabb, Crenshaw, Hall, Hook, Hudspeth, Lent, Lyons, Mahoney, May, McGarry, Smith, Stebbins, Wade, Whiting—15.

NAYS.

Messrs. Bryan, Coffroth, Colby, Keene, Livermore, Moore, Sawyer, Sprague, Tuttle, Walkup—10.

So the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, January 28, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the Chair.
Prayer by the Rev. Mr. Woodbridge.
Mr. Crabb moved that there be a call of the Senate,
Which was agreed to, and the following Senators were found absent:
Messrs. Gardner, Grewell, Hager, Leake, Livermore, Lyons, Mahoney, May, Moore, Peck and Stebbins.
On motion of Mr. Tuttle, further proceedings under the call were dispensed with.
The Journal of yesterday was read and approved.
Mr. Hall presented a petition of numerous citizens praying that leave of absence be granted to J M. Howell, Judge of the Eleventh Judicial District.
Also, a concurrent resolution granting leave of absence to the Judge of the Eleventh Judicial District.
Mr. Walkup moved to lay the resolution on the table.
Upon which the yeas and nays were demanded by Messrs. Sprague, Crabb and Walkup, with the following result:

YEAS.

Messrs. Hager, Lent, Sawyer, Sprague and Walkup—5.

NAYS.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Hall, Hudspeth, Keene, Kendall, Livermore, Lyons, May, McGarry, Smith, Tuttle, Wade and Whiting—18.

On the passage of the resolution the yeas and nays were demanded by Messrs. Lyons, Sprague and Crabb, with the following result:

YEAS.

Messrs. Bryan, Catlin, Colby, Crabb, Gardner, Hall, Hook, Keene, Kendall, Lent, Livermore, May, McGarry, Smith, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Crenshaw, Hager, Hudspeth, Lyons, Moore, Sawyer, Sprague and Walkup—8.

So the resolution was adopted.

Mr. Hall presented a petition of William Alexander Smith, praying a change of name, and with it a bill for an Act to change the name of William Alexander Smith to Amor de Cosmos,

Which was read a first, second and third time and passed.

The following message was received from the Governor:

Executive Department,
Benicia, January 28, 1854.

To the Senate of California:

I have this day approved an Act which originated in the Senate, entitled an Act to amend an Act entitled an Act concerning Jurors.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed this day a concurrent resolution, which is herewith presented, appointing a joint committee to revise the Practice Act of this State, and have appointed on their part Messrs. Stowe, Warmcastle, Myers and Gordon.

Respectfully,

B. McALPIN,
Clerk.

The resolution was laid upon the table.

Mr. Hager, chairman of the Judiciary Committee, made the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred Assembly concurrent resolution No. 23, in reference to the Compiled Laws, and Senate concurrent resolution No. 20, authorizing the Secretary of State to accept the Codified Statutes, have had the same under consideration, and after a partial examination of the volume, beg leave to report as follows:

The general appearance, paper, and typographical execution of the work is com-

mendable, and reflects credit on the publishers—but your committee regret that it is their duty to pronounce it exceedingly defective and unsatisfactory in other respects.

Many important laws of a general, and others of a special character, have been omitted.

There is an entire want of codification and method in the arrangement of the Statutes.

Laws relating to the same subject, instead of being placed together, are scattered miscellaneously throughout the volume, without marginal references, or any other guide or directions, except a general index.

The earlier Statutes are, in some instances, placed in the first portion of the work, and without giving the reader any information, at the place, where they are inserted, or that they have been amended. Many important amendments to the same Statutes are inserted in other portions, sometimes several hundred pages distant.

It would, in the opinion of your committee, be injudicious to recognise the book as a complete copy of our laws, and to circulate them through the State to be used by authority of law as evidence; yet it appears from the difficulty experienced by many officers in obtaining complete sets of the Statutes, and their scarcity, renders it almost necessary that there should be a supply from some source to meet the demand for them.

Your committee, therefore, report back the resolutions for the consideration of the Senate, without further recommendation, and ask to be discharged.

JOHN S. HAGER,
Chairman.

The President announced that the hour for the consideration of the special order had arrived.

Mr. Wade submitted the following resolution:

Resolved, That after the evidence in the investigation now going on in the Senate is closed, the counsel on each side shall have two hours to sum up, which shall be done in the following order: The counsel for Mr. Peck shall commence, the counsel for Mr. Palmer shall reply, and the counsel for Mr. Peck shall close.

Mr. Tuttle moved to amend by striking out all after the word reply.

Mr. Crabb moved there be a call of the Senate.

Which was agreed to.

And Messrs. Bryan and Leake were found absent.

Mr. Sprague moved to suspend further proceedings under the call.

Which was carried.

Mr. Lent moved that the Senate adjourn to Monday at 12 o'clock.

The yeas and nays were demanded by Messrs. Smith, Sprague, and Catlin, with the following result:

YEAS.

Messrs. Catlin, Coffroth, Colby, Crabb, Hager, Hall, Hook, Keene, Kendall, Lent, Livermore, Mahoney, Moore, Smith and Tuttle—15.

NAYS.

Messrs. Crenshaw, Gardner, Hudspeth, Lyons, May, McGarry, Peck, Sawyer, Sprague, Wade, Walkup and Whiting—12.

So the Senate adjourned to Monday at 12 o'clock.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, January 30, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
Journal of Saturday was read and approved.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed on yesterday an Act for the relief of the Insane Asylum. Also,

A bill for an Act amendatory of an Act incorporating the city of Marysville and Acts supplementary to said Acts.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly bill for an Act for the relief of the Insane Asylum, was read a first and second time, and,

On motion of Mr. Sprague, referred to the Committee on State Hospitals.

Mr. Wade, by leave of the Senate, introduced a bill for an Act in relation to the duties of Comptroller of State,

Which was read a first and second time, and referred to the Committee on the Judiciary.

Assembly bill for an Act amendatory of an Act incorporating the city of Marysville, and Acts supplementary to said Acts,

Was read a first, second and third time, and passed.

Leave being granted, Mr. Crenshaw introduced a bill for an Act concerning the Comptroller's and Treasurer's offices,

Which was read a first and second time, and referred to the Committee on Finance.

Mr. Bryan, by leave, introduced a bill for an Act to fix the Sessions of the Supreme Court at the seat of government.

Which was read a first and second time.

Objection was made to the third reading by Mr. Hall, and the bill was referred to the Committee on the Judiciary.

Mr. Livermore gave notice that on to-morrow or some early day, he would introduce a bill to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851. Also,

A bill for the relief of J. C. Brown.

Mr. Bryan introduced the following resolution :

Resolved, That the Secretary of State be required to return the papers of Wm. F. McLean, concerning a claim made against the State, to him.

Which was adopted.

Mr. Colby presented a memorial from W. N. Walton, in reference to an appendix to the Codified Statutes.

Which was read, and laid upon the table.

On motion of Mr. Tuttle, Assembly Concurrent Resolution in reference to the reception of the Codified Statutes, was taken from the table.

Mr. Colby submitted the following amendment:

" And previous to the distribution of the codified laws of this State, an errata of commissions and omissions be made out at the expense of the contractor; such errata to be made out immediately, passed upon by this Legislature, and distributed in connection with the work."

Which was lost.

Upon the adoption of the resolution, the yeas and nays were demanded by Messrs. Colby, Sprague and Kurtz.

Which resulted as follows:

YEAS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Hall, Hook, Keene, Kurtz, Livermore, Lyons, May, Moore, McGarry, Peck, Sawyer, Tuttle, Wade—18.

NAYS.

Messrs. Colby, Mahoney, Sprague, Walkup—4.

So the resolution was adopted.

The President announced that the hour for the consideration of the special order had arrived.

The resolution in reference to allowing counsel to sum up the testimony in the case of alleged attempt to bribe Mr. Peck, and fixing the order of procedure, was taken from the table.

Mr. Sprague moved to indefinitely postpone the resolution.

The yeas and nays were demanded by Messrs. Sprague, Catlin and Crabb,

Which resulted as follows:

YEAS.

Messrs. Colby, Lyons, Sprague and Walkup—4.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Hall, Hook, Keene, Livermore, Mahoney, May, Moore, McGarry, Sawyer, Tuttle and Wade—16.

Mr. Moore moved to lay the resolution upon the table.
Which was agreed to.

R. P. Hammond was introduced and sworn.
Henry B. Truett was introduced and sworn.
J. W. Denver was introduced and sworn.

Mr. Hall moved that the Senate adjourn,
Which was lost.
Mr. Walkup moved that the Senate take a recess for one hour.
Which was agreed to.

Senate re-assembled at 4 o'clock.

Mr. Hall asked and obtained leave of absence for Messrs. Leake and Coffroth, for one day.

Mr. Crabb asked leave of absence for Mr. Smith,
Which was granted.

Mr. Wade moved that the consideration of the special order be postponed until to-morrow at 12 o'clock,
Which was agreed to.

On motion of Mr. Colby, the Concurrent Resolution in reference to suspending the printing of the Journals of the Senate and Assembly for the present, was taken from the table.

Mr. Lyons moved to lay the resolution on the table.
Which prevailed.
On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, January 31, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hall introduced a Concurrent Resolution appointing a Joint Committee to examine and report upon the plans and route of an Atlantic and Pacific Mail Road, and the quantity of land required to be donated by the General Government, to further the object.

Which was adopted, and Messrs. Hall, Whiting and May were appointed the committee.

Mr. Sawyer offered Joint Resolutions in reference to an Atlantic and Pacific Railroad.

Which were read a first and second time, and referred to the Committee on Federal Relations.

Mr. Mahoney reported back from the Committee on State Hospitals, Assembly bill for an Act for the relief of the Insane Asylum, recommending its passage.

The bill was read a third time and passed.

Mr. Coffroth presented the following report from the Committee on Public Lands, in reference to the value of the State's interest in Mare Island.

Mr. President:

The Committee on Public Lands to whom was referred a resolution of instruction, to inquire into, assess and appraise the State's interest in a certain tract or parcel of land, situated in Solano county, known as Signor or Mare Island, respectfully submit the following report:

After as careful an examination of the water front of the island as circumstances would allow, your committee came to the conclusion that it possessed only a nominal value to the State of California. The only appreciable worth of this portion of the island to this State, upon any reasonable supposition, is for a site for a Dry Dock; but as it is not anticipated that the State desires to retain it for any such purpose, your committee concur in the recommendation that it be ceded to the United States for that object, believing that a Dry Dock erected upon that island by the Government of the United States, is of the greatest importance to the commercial interest, not only of California, but of the entire Pacific Coast.

The only remaining portion belonging to the State of California is the overflowed land which is embraced in the upper and northern part, and constituting, perhaps, one-fourth of the island.

It is very difficult to arrive at the actual value of this kind of land. To reclaim it, in most cases, would cost as much as it is worth; therefore your committee would report, that the interest of the State of California in Mare Island does not exceed in value $80,000, and as the Government of the United States has already paid that

amount for the island, your committee concur in the recommendation that all the right and interest of the State of California in and to said island be ceded to the Government of the United States.

B. F. KEENE,
Chairman.
J. W. COFFROTH,
D. B. KURTZ,
EDWARD McGARRY,
Committee.

The report was accepted and laid upon the table.

Mr. Crenshaw presented joint resolutions in relation to Mail Routes in the counties of Yuba, Nevada and Sierra,

Which were read a first and second time, and referred to the Committee on Federal Relations.

Mr. Coffroth moved that 240 copies of the joint resolutions in reference to an Atlantic and Pacific Railroad be printed.

Which was agreed to.

Mr. Sprague moved that 240 copies of Senate bill for an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, be printed.

Which was agreed to.

The following message was received from the Assembly :

Mr. President :

I am directed to inform the Senate that the Assembly passed on Saturday last the following :

A bill for an Act to fix the compensation of the County Judge of Tulare county.

Also, an Act concerning County Judges.

A joint resolution in relation to the removal of the wreck of the ship Aberdeen, and

A joint resolution in relation to creating a new Collection District and establishing the Port of Entry at Humboldt Bay.

All of which is herewith respectfully submitted.

B. McALPIN,
Clerk.

Assembly bill for an Act to fix the compensation of the County Judge of Tulare county,

Was read a first, second and third time, and passed.

Assembly bill for an Act concerning County Judges,

Was read a first and second time, and referred to the Committee on the Judiciary.

Assembly joint resolution in relation to the removal of the wreck of ship Aberdeen,

Was read a first, second and third time, and passed.

Assembly joint resolutions in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay,

Were read a first and second time, and referred to the Committee on Federal Relations.

A message from the Governor was received, together with a report from the Superintendent of Public Instruction.

The message was read, and 1,000 copies of the report ordered printed.

Mr. Lyons moved that 250 copies of the report be reserved for the use of the office of Superintendent of Public Instruction.

Which was agreed to.

Mr. Crabb presented papers from George W. Keeler and L. G. Chapman in relation to their being removed from the Indian Reservation,

Which were referred to the Committee on Indian Affairs.

The President announced that the hour for the special order had arrived.

Judge Barbour was introduced and sworn.

Mr. Laughton was introduced and sworn.

Wr. Wright was introduced and sworn.

Mr. Williams proposed the following question:

"Did Mr. Palmer approve of your overland visit to Benicia?"

Which was objected to by the counsel for Mr. Peck.

The question being—"Shall the question be put?"

The yeas and nays were demanded by Messrs. Catlin, Hudspeth and Sprague, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Hager, Hall, Hook, Lent, Livermore, Mahoney, May, Moore, Smith, Sprague, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hudspeth, Kendall, Kurtz, Leake, McGarry, Sawyer, Wade and Walkup—12.

Mr. Tuttle moved that the Senate adjourn.

Motion lost.

It was then moved that the Senate take a recess to 3 o'clock.

Agreed to.

Senate re-assembled at 3 o'clock.

Mr Coffroth asked and obtained temporary leave of absence for Messrs. Crabb and Colby.

Mr. McAlister made a statement in reference to an affidavit alluded to in the deposition of Will. Hicks Graham.

On motion of Mr. Sprague, Mr. McKibben appeared, and being sworn, at his own request, made a statement.

Mr. Wade moved to take from the table a resolution in reference to the summing up of evidence and mode of procedure of counsel.

Agreed to.

Mr. Lent offered the following as a substitute:

Resolved, That after the closing of the evidence on the part of Mr. Peck and Mr. Palmer, their respective counsel shall have the privilege of summing up the case in the following order: The counsel for Mr. Peck shall open, and the counsel for Mr. Palmer close; neither of the parties to be restricted to time.

Upon which the yeas and nays were demanded by Messrs. Catlin, Crabb and Gardner, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Gardner, Hager, Hall, Keene, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Hook, Hudspeth, Leake, May, McFarland, Sawyer, Smith, Wade and Walkup—12.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, February 1, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.
Mr. Coffroth presented four petitions, praying the enactment of a law embracing the substantial features of the Maine Liquor Law.
Which were referred to the Committee on Vice and Immorality.

Mr. Sprague, Chairman of the Committee on Finance, submitted the following report:

Mr. President:

The Committee on Finance, to whom was referred the Special Message of the Governor, communicating the report of the Board of Commissioners appointed to dispose of the State's interest in property within the water-line front of the City of San Francisco, have had the same under consideration, and now ask leave to report the same back to the Senate, with the accompanying bill for the consideration of the Senate, and recommend its passage.

R. T. SPRAGUE,
Chairman.

The report was accepted, and laid upon the table.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrolled Bills have carefully examined Assembly bill entitled an Act for the relief of the Insane Asylum, and find the same correctly enrolled.

SAM. B. SMITH,
Chairman.

Mr. Smith also presented the following report:

Mr. President:

The Joint Committee on Enrollment respectfully report that on the 26th of January they submitted to the Governor the following Acts for his approval:

An Act to abolish the Board of Supervisors of Tulare county.

An Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act to provide for the Inspection of Flour, passed May 18, 1853.

An Act to declare Crescent City the County Seat of Klamath County, and to legalize the official Acts of the County Judge and other County officers in changing the seat of justice from Trinidad to Crescent City.

An Act authorizing the Governor to pardon Timothy Donovan.

An Act in relation to the Insane Fund, and

An Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

SAM. B. SMITH,
Chairman.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed on yesterday Concurrent Resolution which originated in the Senate, granting leave of absence to the Judge of the Eleventh Judicial District of this State.

Respectfully,

B. McALPIN, Clerk.

On motion of Mr. Sprague, the Senate proceeded to the consideration of the special order.

By consent of the Senate, and the agreement of counsel, it was arranged that Mr. Williams should open, Mr. Baker reply, and Mr. Williams conclude the argument in the case of an alleged attempt to bribe the Senator from Butte, (Mr. Peck).

Mr. Williams addressed the Senate in behalf of Mr. Palmer.

On motion of Mr. Kurtz, the Senate took a recess to 3 o'clock.

Senate re-assembled at 3 o'clock.

Mr. Baker replied in behalf of Mr. Peck.
On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, February 2, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.
Mr. Crabb presented certain propositions from the public authorities of Stockton, in relation to the removal of the seat of government to that city, which, on motion of Mr. Wade, were referred to a select committee.
Messrs. Wade, Sawyer and McFarland were appointed the committee.
Mr. Hook presented a petition of citizens of El Dorado county, praying the passage of a law embracing the essential features of the Maine Liquor Law.
Which was read and referred to the Committee on Vice and Immorality.

Mr. Smith, chairman of the Committee on Enrolled Bills, presented the following report:

Mr. President:

The Joint Committee on Enrollment report that they have examined and found correctly enrolled, the following bills:
An Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853.
An Act amendatory of an Act incorporating the City of Marysville, and Acts supplementary to said Acts.
An Act concerning the per diem of officers of the Senate and Assembly, and
That they, on yesterday, presented to his Excellency, the Governor, for his approval, an Act entitled an Act for the relief of the Insane Asylum.

SAM. B. SMITH,
Chairman.

According to previous notice, Mr. Colby introduced a bill for an Act to create the office of State Printer, define the duties and compensation thereof, and to provide for the time and manner of election of the same.

Which was read a first and second time, and referred to the Committee on Public Printing.

Mr. Lyons gave notice that at an early day he would introduce a bill for an Act to reclaim Tule Lands, and to encourage the cultivation of sugar, rice and cotton.

Also, a bill for an Act to provide for the publication of the Laws.

Mr. Coffroth gave notice that he would, at an early day, introduce a bill for an Act amendatory of an Act to exempt Firemen from militia service and jury duty, passed March 25, 1853.

Mr. Livermore, according to previous notice, introduced a bill for an Act to amend an Act entitled an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

Which was read a first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Crenshaw moved that the usual number of copies be printed for the use of the Senate.

Which was agreed to.

On motion of Mr. Coffroth, 240 copies of the bill for an Act to create the office of State Printer, define the duties and compensation thereof, and to provide for the time and manner of election of the same, were ordered printed.

A special message was received from the Governor, transmitting the report of Commissioners to select Mission of San Luis Rey.

The message was read, and, with the report, referred to the Committee on Public Lands.

Mr. Crenshaw gave notice that on to-morrow he would introduce a bill entitled an Act to pay James McMahon for services to the State.

The third Annual Report of the Superintendent of Public Instruction was presented, and laid upon the table.

On motion of Mr. Hall, the consideration of the special order was taken up. Mr. Baker concluded.

On motion of Mr. Lent, the Senate took a recess to 3 o'clock.

Senate re-assembled at 3 o'clock.

Mr. Williams replied.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, February 3, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev, Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Whiting presented petitions praying for the passage of a law embracing the essential features of the Maine Liquor Law.

Referred to the Committee on Vice and Immorality.

Mr. Coffroth presented petitions of a similar import.

Referred to the same committee.

Mr. Hudspeth, chairman of the Committee on Contingent Expenses, submitted the following report:

Mr. President:

The Committee on Contingent Expenses have had under consideration Assembly bill No. 25, concerning fuel and other contingent expenses of the Legislature, report the same back without amendment, and recommend its passage.

J. M. HUDSPETH,
Chairman.

The bill was considered as in Committee of the Whole, and reported back with an amendment.

The amendment was adopted in Senate, and the bill was read a third time and passed.

Mr. Sprague moved to amend the title by striking out the words "supplies of fuel and other."

Agreed to.

Leave being granted, Mr. Catlin introduced a bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the indigent sick of said county.

Read a first and second time and referred to the Committee on State Hospitals.

Mr. Coffroth, chairman of the Committee on Federal Relations, submitted the following report:

Mr. President:

The Committee on Federal Relations, to whom was referred a communication from the Collector of the Port of San Francisco, would respectfully report, that the subject matter of the communication is now before the Judiciary Committee, and in a few days will be acted upon by the Senate; the committee therefore consider it unnecessary to make a specific recommendation.

JAS. W. COFFROTH,
Chairman.

Mr. Sprague, from the Committee on the Judiciary, presented the following:

Mr. President:

The Judiciary Committee, to whom was referred Senate bill No. 1, for an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in the overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified, have instructed me to report the same back to the Senate with certain amendments, and recommend its passage.

R. T. SPRAGUE,
Of Committee.

The report was accepted and laid upon the table.

Mr. Lyons, according to previous notice, introduced a bill for an Act to reclaim Tule Lands, and to encourage the cultivation of sugar, rice and cotton thereon.

Read a first and second time, and referred to the Committee on Public Lands.

On motion of Mr. Smith, the usual number of copies were ordered printed.

According to previous notice, Mr. Crenshaw introduced a bill for an Act to pay James McMahon for services to the State.

Read a first and second time, and referred to the Committee on Claims.

Mr. Coffroth, according to previous notice, introduced a bill for an Act to protect the bodies of deceased persons and public grave yards.

Read a first and second time and referred to the Committee on State Hospitals.

Mr Leake presented petitions from citizens of Calaveras county in opposition to the division of said county.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Lyons moved to take from the table a resolution in reference to the suspension of the printing of the Journals for the present.

Upon which the yeas and nays were demanded by Messrs. Sprague, Lyons and Catlin, with the following result:

YEAS.

Messrs. Coffroth, Colby, Hager Kurtz, Lent, Livermore, Lyons, Sprague and Walkup—9.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Hall, Hudspeth, Keene, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle and Wade—15.

The following message from the Assembly, was read:

Mr. President:

I am directed to inform the Senate that the Assembly on yesterday passed a bill for an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

Which is respectfully submitted,

B. McALPIN, Clerk.

The bill was read a first and second time, and referred to the Committee on Claims.

The Report of the Superintendent of Public Instruction was taken from the table, and on motion of Mr. Walkup, referred the Committee on Public Printing, to report as to the portions required to be printed.

The President announced that the hour for the consideration of the special order had arrived.

The counsel for Mr. Palmer concluded his argument.

Mr. Hall moved that the Senate take a recess to half past three o'clock.

Agreed to.

Senate re-assembled at half past three o'clock.

Mr. Wade moved that there be a call of the Senate.

Agreed to.

The following Senators were found absent:

Messrs. Bryan, Colby, Gardner, Hall, Kendall, Leake, Lent, Lyons, Mahoney, Moore, Peck, Smith, Stebbins, Tuttle and Walkup.

Mr. Wade moved to suspend further proceedings under the call.

Motion prevailed.

Mr. Hall moved that the Senate go into secret session.

Upon which the yeas and nays were demanded by Messrs. Crabb, McGarry and Catlin, with the following result:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Hager, Hall, Hook, Hudspeth, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Smith, Sprague, Stebbins and Walkup—20.

NAYS.

Messrs. Crabb, Gardner, Keene, Kurtz, Leake, McGarry, Sawyer, Tuttle, Wade and Whiting—10.

Mr. Hall offered the following resolution:

Resolved, That the statement made by the Hon. Senator from Butte, Mr. Peck, alleging against J. C. Palmer, an attempt to commit bribery, has not been sustained by the evidence adduced in the investigation.

Mr. Leake offered the following amendment:

Insert after the word "been," in the third line, the word "sufficiently."

Mr. Gardner submitted the following substitute:

Whereas, The Hon. Senator from Butte, Mr. Peck, has made a statement, upon oath, alleging against J. C. Palmer, an attempt to commit bribery, which statement has been denied by said Palmer upon oath, therefore

Resolved, That the statement made by Mr. Peck, alleging against J. C. Palmer, an attempt to commit bribery, has not been sustained by collateral testimony adduced in the investigation.

Resolved, further, That the decision of the Senate is not intended in any degree to reflect upon the honor and dignity of Mr. Peck.

Lost by the following vote:

YEAS.

Messrs. Catlin, Crabb, Gardner, Hook, Hudspeth, Keene, Kurtz, Leake, McGarry, Sawyer, Smith, Wade—12.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hager, Hall, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup, Whiting—18.

Mr. Moore submitted the following substitute:

Resolved, That after a full investigation of the charge preferred against Mr. Joseph C. Palmer, of having committed a contempt against the Senate by the offer of a bribe to one of its members, the Senate does not find the evidence sufficient to justify a declaration that such a contempt has been committed.

The substitute was lost.

Mr. Catlin offered as a substitute the following:

Whereas, The statement upon which this investigation is founded, was met by a counter statement under oath by Mr. Palmer, whereby the veracity of Mr. Peck and Mr. Palmer were placed against each other, Therefore be it

Resolved, That the collateral testimony offered by Mr. Peck upon the one side, and by Mr. Palmer upon the other, is insufficient to support the respective charges made by each against the other.

Mr. Whiting moved to adjourn.
Which was lost.

The yeas and nays were demanded upon the passage of the substitute, which resulted as follows:

YEAS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Sawyer, Wade, Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Hook, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle, Whiting—16.

The yeas and nays were demanded upon the amendment to the original resolution, which resulted as follows:

YEAS.

Messrs. Catlin, Crabb, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Smith, Wade, Walkup—12.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hager, Hall, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle, Whiting—16.

Mr. Crabb moved to adjourn.

Upon which the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Catlin, Gardner, Hall, Hudspeth, Keene, Kendall, Kurtz, McGarry, Sawyer, Smith, Tuttle and Walkup—12.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Hager, Hook, Leake, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Wade and Whiting—18.

The yeas and nays were demanded upon the passage of the original resolution, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Colby, Crabb, Hager, Hall, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Smith, Sprague, Stebbins, Tuttle and Whiting—21.

NAYS.

Messrs. Catlin, Crenshaw, Hook, Hudspeth, McGarry, Sawyer and Wade—7.

Mr. Crabb submitted the following resolution:

Resolved, That this decision of the Senate in this case is not intended in any degree to reflect upon the honor and dignity of Mr. Peck.

Mr. Whiting offered the following as a substitute:

Resolved, That a Select Committee be appointed, consisting of Messrs. Crabb, Catlin, Grewell, Kurtz, McGarry, Sawyer, Smith and Wade, to draft a series of resolutions expressive of the sense of this Senate, relative to the position which Senator Peck, of Butte, now occupies, and of right ought to occupy, upon the floor of this Senate in view of the late Bribery Case.

Upon which the yeas and nays were demanded with the following result:

YEAS—None.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Hager, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade and Walkup—28.

The vote recurring upon the resolution of Mr. Crabb, the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Hall, Hook, Hudspeth, Kurtz, Leake, Lent, Lyons, Moore, McGarry, Sawyer, Smith and Wade—17.

NAYS.

Mr. Mahoney—1.

Mr. Hall moved that the secret session now terminate.
Agreed to.
Mr. Catlin moved that the injunction of secresy be removed.
Carried.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, February 4, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.
A message was received from the Assembly.
Mr. Kendall, chairman of the Committee on State Hospitals, reported back Senate bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the indigent sick of said county.

And also Senate bill for an Act to protect the bodies of deceased persons and ublic grave yards.

Recommending the passage of both bills.

A special message was received from the Governor.

Mr. McFarland moved to take up the special order of the day.

Mr Livermore moved to postpone the consideration of the special order to Vednesday next.

Upon which and yeas and nays were demanded, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Leake, Lent, Livermore, yons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Tuttle, Walkup and Vhiting—19.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Kendall, Keene, IcFarland, McGarry, Peck, Sawyer and Wade—13.

Mr. Leake moved to reconsider the vote just had.

Mr. Coffroth moved to indefinitely postpone the motion to reconsider.

Upon which the yeas and nays were demanded by Messrs. Stebbins, Moore and rabb, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Iay, Moore, Smith, Sprague and Stebbins—14.

NAYS.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup —17.

Mr. Coffroth moved to lay the motion to reconsider on the table,

Upon which the yeas and nays were demanded by Messrs. Whiting, McFarland and Leake, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—14.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, eake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—16.

Upon the motion to reconsider, the yeas and nays were demanded by Messrs. offroth, Leake and Livermore, and was carried by the following vote:

YEAS.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—17.

NAYS.

Messrs. Bryan, Coffroth, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—15.

The President announced that the hour for the consideration of the special order had arrived.

Mr. Lyons moved that it be made the special order for Tuesday next,

Upon which the yeas and nays were demanded by Messrs. Lent, Crabb and Colby, and the motion was lost by the following vote:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hall, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—16.

Mr. Coffroth moved that the bill be made the special order of the day for Monday next, at 2 o'clock.

The yeas and nays were demanded by Messrs. Coffroth, Tuttle and Crenshaw, and the motion was lost by the following vote:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—16.

Mr. Hall moved to make the bill the special order for Thursday next, at 2 o'clock.

Mr. Lent moved to adjourn.

Upon which the yeas and nays were demanded by Messrs. Crenshaw, Leake and Crabb, and the motion was lost by the following vote:

YEAS.

Messrs Bryan, Coffroth, Colby, Hager, Hall, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—17.

Mr. Coffroth moved that there be a call of the Senate.

Messrs. Moore, Whiting and Hall demanded the yeas and nays, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hall, Keene, Kendall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Peck, Smith, Sprague, Stebbins, Tuttle and Whiting—20.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Leake, McFarland, Sawyer, Wade and Walkup—11.

The roll being called, no Senator was found absent without leave.

Mr. Walkup moved to dispense with further proceedings under the call.

Agreed to.

Mr. Moore moved to adjourn to Monday, 12 o'clock.

Upon which Messrs. Coffroth, Lent and Tuttle demanded the yeas and nays, and the motion was lost by the following vote:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade, Walkup—17.

Mr. Moore moved to adjourn.

Upon which Messrs. Coffroth, Crabb and Colby demanded the yeas and nays, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade, Walkup—17.

Mr. Coffroth moved a call of the Senate.

Upon which the yeas and nays were demanded by Messrs. Coffroth, Moore, and Stebbins, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Peck, Sprague, Stebbins, Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, McFarland, Sawyer, Tuttle, Wade, Walkup—13.

The roll being called, there was no Senator found absent without leave.

Mr. Leake moved to suspend further proceedings under the call.

Agreed to.

Mr. Coffroth moved to adjourn.

Upon which the yeas and nays were demanded by Messrs. Coffroth, Hall, and Moore, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade, Walkup—16.

Mr. Catlin moved the previous question,

Which was declared to be sustained.

The question then being, "Shall the main question be now put?"

The yeas and nays were demanded by Messrs. Sprague, Coffroth and Stebbins, when no quorum voted.

Mr. Hager moved that the Senate adjourn.

Mr. Lent moved to amend to quarter past 12 o'clock, Monday.

Upon which the yeas and nays were demanded by Messrs. Coffroth, Lent and Moore, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hall, Hager, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Smith, Sprague, Stebbins and Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, Peck, Sawyer, Tuttle, Wade and Walkup—15.

So the Senate adjourned to quarter past 12 o'clock, Monday.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, February 6, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
Journal of Saturday was read and approved.

Mr. Kendall presented petitions of citizens of Tuolumne county adverse to the election of a Senator to Congress at the present session.

Which were received and laid upon the table.

Mr. Coffroth presented a petition of the citizens of Tuolumne county in regard to the better observance of the Sabbath.

Which was received and referred to the Committee on Vice and Immorality.

Mr. Bryan, chairman of the Committee on Indian Affairs, submitted the following report:

Mr. President:

The Committee on Indian Affairs, to whom was referred certain papers of Geo. W. Keeler and L. G. Chapman, in relation to claims against the United States Government on account of the action of the United States Indian Commissioners in this State, beg leave to report back the papers referred to them, and recommend the passage of the following Joint Resolution:

Resolved, By the Senate and Assembly of California, That our Senators in Congress be instructed, and our Representatives requested, to call the attention of the proper department to the subject of the claims of our citizens against the General Government, as damages accruing to them through the action of the United States Indian Commissioners in the reservation of lands in this State for the use of the Indians, previously settled upon and improved by said claimants.

C. H. BRYAN, Chairman.

Benicia, February 6, 1854.

The report was accepted and laid upon the table.

The following message, received from the Assembly on Saturday, was read:

Mr. President:

I am directed to inform the Senate that the Assembly passed a concurrent resolution on yesterday, which is herewith presented, proposing to hold the remainder of this session, from and after the 9th inst., at Sacramento.

Respectfully,

B. McALPIN,
Clerk.

The resolution was read.

Mr. Leake moved to lay the resolution on the table,

Upon which the yeas and nays were demanded by Messrs. Hall, Tuttle and Grewell, which resulted as follows:

YEAS.

Messrs. Bryan, Gardner, Hager, Hudspeth, Kurtz, Lyons, McFarland, Peck, Stebbins and Wade—10.

NAYS.

Messrs. Catlin, Coffroth, Grewell, Hall, Hook, Keene, Kendall, Leake, Lent, Livermore, Mahoney, May, Moore, Sawyer, Smith, Sprague, Tuttle, Walkup and Whiting—19.

Mr. Hall moved that there be a call of the Senate.

Agreed to.

Messrs. Colby and McGarry were found absent.

Mr. Colby appeared and was admitted within the bar.

Mr. Lent moved to suspend further proceedings under the call.

Upon which Messrs. Gardner, Smith and Lent demanded the yeas and nays, which resulted as follows:

YEAS.

Messrs. Hall, Keene, Lent, Mahoney, Smith, Sprague, Tuttle and Whiting—8.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hager, Hook, Hudspeth, Kendall, Kurtz, Leake, Lyons, May, Moore, McFarland, Peck, Sawyer, Stebbins, Wade and Walkup—23.

Mr. McGarry appeared and was admitted within the bar.

Mr. Smith moved to suspend further proceedings under the call.

Agreed to.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrollment report that on the 2d inst., they submitted to the Governor for his approval the following Acts:

An Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853.

An Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Acts; and

An Act concerning the per diem of Officers of the Senate and Assembly.

SAM. B. SMITH,
Chairman.

Mr. Crabb offered the following amendment to the resolution:

Strike out the word "Sacramento," and insert the word "Stockton."

Upon which the yeas and nays were demanded by Messrs. Crabb, Leake and Wade, with the following result:

YEAS.

Messrs. Crabb, Hudspeth, Sawyer, Smith and Wade—5.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Grewell, Hager, Hall, Hook, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, McGarry Peck, Sprague, Stebbins, Tuttle, Walkup and Whiting—28.

So the amendment was lost.

Mr. Coffroth moved to refer the resolution to the committee of the whole Senate, and make it the special order for to-morrow at 12 o'clock.

Upon which the yeas and nays were demanded by Messrs. Mahoney, Hall and Coffroth, which was lost by the following vote:

YEAS.

Messrs. Bryan, Coffroth, Hager, Hall, Kendall, Leake, Lent, Mahoney, Moore, McGarry, Peck and Stebbins—12.

NAYS.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kurtz, Livermore, Lyons, May, McFarland, Sawyer, Smith, Sprague, Tuttle, Wade, Walkup and Whiting—21.

Mr. Whiting moved to amend the resolution by striking out "Sacramento" and inserting "San Francisco."

Upon which the yeas and nays were demanded by Messrs. Moore, Hall and Whiting, which resulted as follows:

YEAS.

Messrs. Hager, Lent, Mahoney, Moore, Tuttle and Whiting—6.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Livermore, Lyons, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Wade and Walkup—27.

Mr. McGarry moved to indefinitely postpone the resolution, and the yeas and nays were demanded by Messrs. McGarry, Kurtz and Stebbins, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Crabb, Hager, Hudspeth, Kendall, Kurtz, Leake, Lent, Moore, McFarland, McGarry, Peck, Smith and Stebbins—15.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, Livermore, Lyons, Mahoney, May, Sawyer, Sprague, Tuttle, Wade, Walkup, Whiting —18.

Upon the passage of the resolution the yeas and nays were demanded by Messrs. Hall, Catlin and Colby, with the following result:

YEAS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Tuttle and Walkup—10.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crabb, Hager, Hudspeth, Kendall, Kurtz, Leake, Lent, Livermore Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Wade and Whiting—23.

Mr. Colby gave notice that he would on to-morrow move to reconsider the vote just taken.

Mr. Crabb moved that the Senate take a recess for one hour.

Mr. Lent moved to adjourn.

Agreed to.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, February 7, 1854.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Coffroth, chairman of the Committee on Federal Relations, reported back Assembly Joint Resolutions in favor of establishing a mail route by ocean steamships between San Francisco and China *via* the Sandwich Islands, recommending their indefinite postponement.

The resolutions were read.

Mr. Coffroth moved that they be indefinitely postponed.

Which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Sawyer presented a Concurrent Resolution relative to increasing the mail facilities to and from the principal towns of Calaveras county to other parts of the State.

Which was read and referred to the Committee on Federal Relations.

According to previous notice, Mr. Livermore introduced a bill for an Act to amend an Act to regulate proceedings in Criminal Cases.

Which was read a first and second time, and referred to the Committee on the Judiciary.

Assembly bill for an Act for the relief of the Treasurer of Klamath county was taken from the table, and on motion of Mr. Bryan, indefinitely postponed.

Assembly bill for an Act requiring the Comptroller to audit certain bills of the members of the present Legislature, was taken from the table and indefinitely postponed.

The special order being a bill for an Act prescribing the time, manner and place of holding elections for Senators to Congress, was taken from the table.

Mr. Bryan moved to postpone the consideration of the bill to the 6th day of March next.

Mr. Leake moved to lay the motion on the table.

Upon which the yeas and nays were demanded by Messrs. Leake, Crenshaw, and Catlin, with the following result:

YEAS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Wade, Walkup---16.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Tuttle, Whiting---17.

Mr. Leake moved to amend by postponing the whole subject of the Senatorial question until the 20th day of April next, and making it the special order for that day.

Mr. May moved that the Senate adjourn.

Upon which the yeas and nays were demanded by Messrs. Lent, Leake and Crenshaw, and resulted as follows:

YEAS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Wade, Walkup---17.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Smith, Sprague, Stebbins, Tuttle, Whiting---16.

B. F. KEENE.
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, February 8, 1854.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hager, chairman of the Judiciary Committee, to whom was recommitted a bill for an Act to protect the bodies of deceased persons and public grave yards, reported the same back with several amendments, which were concurred in by the Senate and the bill was ordered engrossed for a third reading.

Mr. Tuttle, chairman of the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed a bill for an Act declaring the consent of the State of California to the purchase by the the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed on Saturday a Concurrent Resolution which is herewith submitted, requesting the Surveyor General of the United States, Col. John C. Hays, to survey, at his earliest convenience, the Seminary Lands donated by the General Government to the State of California.

Respectfully,

B. McALPIN,
Clerk.

The resolution was read, and on motion of Mr. Sprague, referred to the Committee on Public Lands.

According to notice given, Mr. Kurtz introduced a bill for an Act to authorize Thomas W. Sutherland to build a Wharf at the end of Third street into the Bay of San Francisco.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Tuttle presented a Joint Memorial with a Concurrent Resolution relative to postage in California.

Which was read and referred to the Committee on Federal Relations, and the usual number of copies ordered printed.

Mr. Smith, chairman of Committee on Enrolled Bills, reported that the Committee on Enrollment, had on yesterday, the 7th instant, submitted to the Governor for his approval, the following Acts:

An Act in relation to the Contingent Expenses of the Legislature: and,

An Act to fix the compensation of the County Judge of Tulare county.

On motion of Mr. Sprague, Senate bill for an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said island, and to vest the jurisdiction over the same in the United States for the purposes therein specified, was taken from the table and read a third time.

Upon the passage of the bill, the yeas and nays were demanded by Messrs. Tuttle, Keene and Catlin, with the following result:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hager, Hall, Hook, Hudspeth, Keene, Kendall, Leake, Lent, Lyons, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Wade, Walkup and Whiting —28.

NAYS.

Messrs. Livermore, Mahoney, Stebbins and Tuttle—4.

Mr. Colby moved to take from the table a resolution to suspend the printing of the Journals for the present.

Upon which the yeas and nays were demanded by Messrs. Sprague, Colby and Stebbins, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Keene, Lent, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Kendall, Leake, Livermore, May, McGarry, Peck, Sawyer, Smith, Wade and Walkup —18.

According to previous notice, Mr. Whiting introduced a bill for an Act to provide for the selection of lands donated by the United States to the State of California for the support of common schools, and for the erection of public buildings.

Read a first and second time, and referred to the Committee on Public Lands, and 240 copies ordered printed.

Mr. Tuttle submitted the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure a map of the city of San Francisco, to be suspended in some convenient place in the Senate Chamber, and pay for the same out of the contingent fund of the Senate.

Adopted.

Mr. Hager presented the following resolution:

Resolved, That the Comptroller of State be requested to communicate to the Senate a complete statement of all expenditures made under the Act for the disposal of the interest of the State in the water lot property in the city of San Francisco, in-

cluding the salary of officers and commissions of auctioneers, and to whom and for what purposes they have been made.

Adopted.

Mr. Stebbins gave notice that at an early day he would introduce a bill for an Act providing for the permanent location of the Seat of Government, by a vote of the electors of this State at the next general election.

The President announced that the hour for the consideration of the special order had arrived.

Mr. Leake withdrew his amendment.

Mr. Crenshaw moved to postpone the special order to the 4th day of July next.

Upon which the yeas and nays were demanded by Messrs. Keene, Grewell and Stebbins, with the following result:

YEAS.

Messrs. Crabb, Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck and Sawyer—14.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting—19.

Mr. Crabb moved that the bill under consideration and the whole subject matter of the election of United States Senator be postponed until the first Monday of July next.

Mr. Hager objected to the motion as out of order, and was sustained by the Chair.

The vote recurring upon Mr. Bryan's motion that it be made the special order for the 6th of March,

The yeas and nays were demanded by Messrs. Bryan, Stebbins and Lent, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Stebbins, Tuttle and Whiting—17.

NAYS.

Messrs Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—16.

Mr. Livermore moved to take from the table the resolution in reference to suspending the printing of the Journals for the present,

Upon which the yeas and nays were demanded by Messrs. Wade, Crenshaw and Stebbins, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Keene, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—14

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Kendall, Leake, May, McGarry, Peck, Sawyer, Smith, Wade and Walkup—17.

Mr. Hager submitted the following resolution:

Resolved, by the Senate, the Assembly concurring, that all printing in behalf of the State be suspended, unless expressly ordered by the Senate or Assembly, until some law be passed regulating the same.

Mr. Hager moved that there be a call of the Senate,
Upon which the yeas and nays were demanded by Messrs. Hager, Lyons and Tuttle, which resulted as follows:

YEAS.

Messrs. Coffroth, Colby, Hager, Lent, Lyons, Mahoney, Moore, McGarry, Sprague and Tuttle—10.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, Peck, Sawyer, Smith, Wade, Walkup and Whiting—21.

Mr Smith moved that the Senate adjourn,
Upon which the yeas and nays were demanded by Messrs. Tuttle, Coffroth and Lyons, with the following result:

YEAS.

Messrs. Catlin, Hall, Kendall, Leake, Mahoney, Smith, Sprague and Whiting

NAYS.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hager, Hook, Hudspeth, Keene, Kurtz, Lent, Lyons, May, Moore, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Walkup—23.

Mr. Leake moved to lay the whole subject upon the table.
Mr. Mahoney moved that the Senate adjourn
Which was decided in the affirmative by the following vote:

YEAS.

Messrs. Catlin, Crenshaw, Gardner, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Lent, Mahoney, May, Moore, McGarry, Peck, Sawyer, Smith, Sprague and Whiting—19.

NAYS.

Messrs. Coffroth, Colby, Crabb, Grewell, Hager, Leake, Lyons, McFarland, Tuttle, Wade and Walkup—11.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE

THURSDAY, February 9, 1854.

Senate met pursuant to adjournment
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Tuttle, chairman of the Committee on Engrossed Bills, reported that they have examined Senate bill No. 33, entitled an Act to protect the bodies of deceased persons, and public grave yards, and find the same correctly engrossed.

According to previous notice, Mr. Hall introduced a bill for an Act amendatory of and supplemental to an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21, 1851.

Which was read a first time and laid upon the table.

On motion of Mr. Catlin, 240 copies were ordered to be printed.

Mr. Hager gave notice that he would at an early day introduce a bill for an Act to amend the Act concerning the Courts of Justice of this State and Judicial Officers.

Mr. Tuttle gave notice that he would on to-morrow introduce a bill for an Act to exempt mining claims from forced sale in certain cases.

According to previous notice, Mr. Catlin introduced a bill for an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento city.

Which was read a first time and laid upon the table.

Senate bill No. 7, for an Act to repeal an Act entitled an Act to provide for the better publication of Official and Legal Notices, was taken from the table and indefinitely postponed.

Mr. McFarland submitted the following resolution:

Resolved, By the Senate (the Assembly concurring,) That the two Houses adjourn *sine die* on Thursday, the 15th day of March next.

Mr. Hager moved to amend by striking out the word "March," and inserting "April."

Agreed to.

Mr. Moore moved to lay the whole subject upon the table.

Upon which the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Coffroth, Colby, Grewell, Hall, Keene, Lent, Livermore, Lyons, May, Moore, Sprague---11.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Hager, Hudspeth, Kendall, Mahoney, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade, Walkup---15.

Upon the adoption of the amendment, the yeas and nays were demanded, which resulted as follows:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Keene, Kendall, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Sprague---15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, McFarland, Peck, Tuttle, Wade, Walkup---11.

The resolution was then adopted.

Mr. Tuttle submitted the following resolution:

Resolved, That the State Treasurer be directed to report to the Senate, at his earliest convenience, whether the city of San Francisco has paid into the State Treasury the twenty-five per cent. due the State on the sales of water-lot property made or suffered to be made by said city, and if said money has not been paid, all the information he has on the subject.

Adopted.

Mr. Tuttle submitted the following resolution:

Resolved, That the Doorkeeper be directed to prohibit all persons except Senators or members of the Assembly, officers of the two Houses, or the Reporters, from coming within the bar of the Senate, unless invited by the Senate through its President; and further, that he be directed to arrest all persons outside the bar found engaged in loud conversation, or otherwise making a noise, for contempt of the Senate.

Mr. Hager moved that the resolution be referred to a committee of three, to prepare a rule upon the subject.

Which motion was decided in the negative by the following vote:

YEAS.

Messrs. Coffroth, Crenshaw, Hager, Hall, Kendall, Livermore, Lyons, Mahoney, McGarry, and Peck—10.

NAYS.

Messrs. Bryan, Catlin, Colby, Crabb, Gardner, Grewell, Hook, Hudspeth, Keene, Lent, May, Moore, McFarland, Sawyer, Sprague, Tuttle, Wade, and Walkup—18.

Mr. Catlin moved to lay the resolution on the table.

Lost.

Mr. Hall offered the following amendment: Insert after the word "Reporters," "and ex-members of the Legislature and officers of State."

Lost.

The yeas and nays were then demanded by Messrs. McGarry, Catlin, and Lent, upon the passage of the resolution, which resulted as follows:

YEAS.

Messrs. Bryan, Colby, Gardner, Hager, Keene, Kendall, Lent, Livermore, Lyons, Mahoney, May, Moore, Sawyer, Sprague, Tuttle, Wade and Walkup—17.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Grewell, Hall, Hook, Hudspeth, McFarland, McGarry and Peck—11.

Mr. Sawyer asked and obtained leave of absence for three days for Mr. Whiting.

Mr. McFarland asked leave of absence for two days for Mr. Kurtz.

Granted.

Mr. McFarland moved to take from the table a resolution for a convention to elect Physicians to the State Marine Hospital,

Upon which the yeas and nays were demanded by Messrs. McFarland, Hager and Keene, with the following result:

YEAS.

Messrs. Crenshaw, Gardner, Hudspeth, Lyons, May, McFarland, Sawyer, Tuttle, Wade and Walkup—10.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Hall, Hook, Keene, Kendall, Lent, Livermore, Mahoney, Moore, McGarry, Peck and Sprague—15.

Mr. Hook asked and obtained leave of absence for Mr. Livermore for one week.

Senate bill for an Act to protect the bodies of deceased persons and public grave yards, was read a third time and passed.

Assembly bill for an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee, was read a third time and passed.

Assembly bill for an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county, was taken from the table.

The following amendment proposed by the committee was adopted:

Amend by inserting in the third section, after the word "bill," in the seventh line, "all costs, charges and expenses accruing thereon, to be paid by Humboldt county."

The bill was then read a third time and passed.

Senate Joint Resolution to Representatives in Congress in reference to claims of citizens of California for damages by the action of the U. S. Indian Commissioners, was read a third time and passed.

Senate bill for an Act amendatory of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Tuttle, the usual number of copies was ordered to be printed.

Senate bill No. 4, for an Act fixing the per diem and mileage of Members of the Legislature, and to provide for their payment in cash, was taken from the table and read a third time.

Mr. Sprague moved to indefinitely postpone the bill.

Upon which the yeas and nays were demanded by Messrs. Walkup, Crabb and May, which resulted as follows:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Hager, Hall, Keene, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, McGarry, Sprague, Tuttle and Wade—19.

NAYS.

Messrs Crabb, Gardner, Hook, Hudspeth, Peck, Sawyer, Walkup—7.

The following message was received from the Assembly and read:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Sen-

ate bill for an Act to change the name of William Alexander Smith to Amor de Cosmos. Which is herewith presented.

Respectfully,

B. McALPIN,
Clerk.

Mr. Tuttle presented the following resolution:

Resolved, By the Senate, the Assembly concurring, That the State Printer be directed to print the yeas and nays of the Journals "run in," and not in column.

Mr. Crabb moved to lay the resolution on the table.
Lost.
Mr. Crabb moved to refer to the Committee on Public Printing.
Lost.

The yeas and nays were demanded on the passage of the resolution by Messrs. Hager, Sawyer and Lyons, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hager, Keene, Lent, Livermore, Lyons, Mahoney, Moore, McGarry, Sawyer, Sprague and Tuttle—14.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Kendall, May, McFarland, Peck, Wade and Walkup—14.

So the motion was lost.
On motion of Mr. May, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, February 10, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
Mr. McGarry moved that there be a call of the Senate.
Agreed to.
The following Senators were found absent:

Messrs. Colby, Crabb, Grewell, Hudspeth, Leake, Mahoney and Sprague.

Messrs. Colby, Crabb, Hudspeth, Mahoney and Sprague appeared at the bar of the Senate and were admitted.

On motion of Mr. Wade, further proceedings under the call were dispensed with.

The Journal of yesterday was read and approved.
Mr. Gardner asked leave of absence for five days for Mr. Smith.
Granted.
Mr. Crenshaw asked leave of absence for three days for Mr. Catlin, and five days for Mr. Walkup.
Granted
Mr. Sawyer asked and obtained leave of absence for two days each for Messrs. Moore and Peck.
Mr. Hall asked leave of absence for two days for Mr. Stebbins.
Granted.

According to previous notice, Mr. Tuttle introduced a bill for an Act to exempt mining claims from forced sale in certain cases.
Read a first and second time and referred to the Committee on Mines and Mining Interests, and the usual number of copies ordered printed.

Senate bill for an Act amendatory of and supplemental to an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21, 1851.
Read a second time and referred to the Committee on the Judiciary.

Senate bill for an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento city.
Read a second time, and on motion of Mr. McFarland, laid upon the table.

The following communication was received from the Comptroller of State:

Comptroller's Office,
February 9, 1854.

Hon. President of the Senate:

SIR: I have the honor to submit to the Senate the accompanying report in accordance with a resolution of the Senate of the 8th inst.

Respectfully, your ob't servant,

SAM. BELL,
Comptroller.

The communication was read, and on motion of Mr. Coffroth, referred to Judiciary Committee.

Mr. Colby moved to take from the table the memorial of W. N. Walton relative to an Appendix to the Codified Statutes.

Agreed to.

The memorial was then referred to the Committee on the Judiciary.

On leave Mr. Bryan introduced a bill for an Act to provide for the payment of mileage and attendance of witnesses subpœnaed by order of the Senate.

Read a first and second time, and referred to the Committee on Claims.

Mr. Hager submitteed the following resolution:

Resolved, That the Committee on Contingent Expenses be and are hereby authorized to ascertain and appropriate out of the Contingent Fund of the Senate, the claims of the reporters of the Alta California, San Francisco Herald, and Times and Transcript, for reporting the evidence in the investigation of the alleged attempt to bribe the Senator from Butte; not to exceed the rate of $—— per day for the time employed.

Referred to the Committee on Claims.

Mr. Kurtz presented a petition of citizens of Los Angeles county, in reference to a Map of the southern portion of the State.

Referred, on motion of Mr. Crenshaw, to a select committee, consisting of Messrs. McFarland, Kurtz and De la Guerra.

Mr. Lent presented a remonstrance of citizens of San Francisco against the repeal of the law creating the office of Guager for the Port of San Francisco.

Read and referred to the Committee on Commerce and Navigation.

Mr. Keene submitted the following resolution:

Resolved, That the Secretary be, and is hereby directed to forward to Dr. Robert K. Reid one hundred and fifty copies of the Report of the Trustees of the Insane Asylum.

Adopted.

Mr. Tuttle introduced the following resolution:

Resolved, The Assembly concurring, that the State Printer be directed to print the yeas and nays of the Journals of the two Houses "run in" and not in column.

Mr. Crabb moved to lay the resolution on the table.

Upon which the yeas and nays were demanded by Messrs. Tuttle, Hager and Sawyer, with the following result:

YEAS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Leake, McFarland and Wade—11.

NAYS.

Messrs Bryan, Coffroth, Colby, Hager, Lent, Livermore, Lyons, Mahoney, May, McGarry, Sawyer, Sprague and Tuttle—13.

Mr. Crabb moved that the resolution be referred to the Committee on Public Printing with instructions to report on Tuesday next.

Carrried.

Mr. Colby submitted the following resolution:

Resolved, First. That the State Comptroller be requested to inform the Senate immediately, of the amount allowed for the composition of the Senate and Assembly Journals of 1853, together with the Appendix to the same.

Second. The amount paid for composition of the Governor's Annual Message, '53; also, Treasurer's, Comptroller's and Attorney General's Annual Reports made to the last Legislature, '53, exclusive of the composition of the same documents as connected with the Journals.

Third. Also, the amount paid at any time for the composition for the twenty-five copies of all legislative documents ordered by the law to be printed for the Secretary of State, to be deposited in the State Library.

Fourth. Also, the amount paid H. Langley and others, for appendixing and indexing the Journals of the Senate and Assembly of '52 and '53.

Fifth. The amount allowed for stitching, folding, and putting up in blue covers, the Journals of the last Legislature.'

The resolution was adopted.

Leave being granted, Mr. Crabb introduced a bill for an Act to amend the twenty-first section of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time and referred to the Committee on the Judiciary.

Mr. Hook submitted the following resolution:

Resolved, That the Sergeant-at-Arms be directed to call upon the Secretary of State to furnish twenty-four chairs, similar to those now in use in the Senate, to be placed in the lobby of this Chamber.

Adopted.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, an Act concerning Constables in the city of Sacramento.

An Act to declare the meaning and intention of an Act entitled an Act concerning Officers, passed April 28, 1851.

They also passed Senate Concurrent resolution granting leave of absence to Thomas W. Dawson, County Clerk of Shasta county.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly bill for an Act concerning Constables in the city of Sacramento,
Read a first and second time, and referred to the delegation from Sacramento.

Assembly bill for an Act to declare the meaning and intention of an Act entitled an Act concerning Officers, passed April 28, 1851,
Read a first and second time, and referred to the Committee on the Judiciary.
Mr. Sprague moved to adjourn.

Upon which the yeas and nays were demanded, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hudspeth, Keene, Kurtz, Lyons, May, Sawyer and Sprague—10.

NAYS.

Messrs, Crabb, Crenshaw, Gardner, Hager, Hall, Lent, Mahoney, McFarland, McGarry, Tuttle and Wade—11.

Mr. Gardner moved to adjourn to 12 o'clock, Monday.
Upon which the yeas and nays were demanded by Messrs. Coffroth, Gardner and Lyons, which resulted as follows:

YEAS.

Messrs. Gardner, Hall, Hudspeth, Kurtz, May, McGarry and Wade—7.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Grewell, Hager, Keene, Lent, Lyons, Mahoney, McFarland, Sawyer, Sprague and Tuttle—15.

Mr. Sawyer moved that the Senate adjourn,

Upon which the yeas and nays were demanded by Messrs. Crabb, Gardner and Hager, with the following result:

YEAS.

Messrs. Bryan, Coffroth, Colby, Hudspeth, Keene, Lyons, Mahoney, Sawyer Sprague—9.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hager, Hall, Kurtz, Lent, May, McFarland, McGarry, Tuttle, Wade—13.

Mr. Tuttle moved to adjourn to quarter past 12 o'clock, Monday.

Upon which the yeas and nays were demanded by Messrs. Coffroth, May, and McGarry, with the following result:

YEAS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hall, Hudspeth, Kurtz, McFarland, McGarry, Tuttle, Wade—11.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Keene, Lent, Lyons, Mahoney, May, Sawyer, Sprague—11.

So the motion was lost.

Mr. Coffroth moved that there be a call of the Senate.

Upon which the yeas and nays were demanded by Messrs. Crabb, Gardner and Wade, which resulted as follows:

YEAS.

Messrs. Crabb, Gardner, Grewell, Hager, Hall, Lent, McFarland, Tuttle, Wade—9.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hudspeth, Keene, Kurtz, Lyons, Mahoney, May, McGarry, Sawyer, Sprague—13.

Mr. Coffroth moved that the Senate adjourn.

Mr. Crabb moved to amend "to Monday at half past eleven."

Upon which the yeas and nays were demanded by Messrs. Coffroth, Grewell, and Lyons, which resulted as follows:

YEAS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Leake, McFarland, Tuttle, Wade—11.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hager, Keene, Kurtz, Lent, Lyons, Mahoney, May, McGarry, Sawyer, Sprague—13.

Mr. Crabb moved to adjourn to Monday, 1 o'clock.

Upon which the yeas and nays were demanded by Messrs. Lyons, Coffroth, and Sprague, and decided in the affirmative by the following vote.

YEAS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hager, Hall, Hudspeth, Kurtz, Leake, May, McFarland, Tuttle, Wade—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, Heck, Keene, Lent, Lyons, Mahoney, McGarry, Sawyer, Sprague—11.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, February 13, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
On motion of Mr. Lyons, the roll was called, and the following Senators found absent.
Messrs. Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hager, Hall, Hudspeth, Kendall, Lent, Mahoney, McFarland, Tuttle, and Wade.
There being no quorum present, on motion of Mr. Catlin, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, February 14, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journals of Friday and Monday were read and approved.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrollment have examined and find correctly enrolled the following bills and resolutions:

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

An Act to provide for the restoration of certain Books, Records, Maps and Papers to Humboldt county, now held by Trinity county.

An Act to change the name of William Alexander Smith to Amor de Cosmos.

Joint Resolution relative to the removal of the ship Aberdeen.

Concurrent Resolution granting leave of absence to Thomas W. Dawson, County Clerk of Shasta county.

And a Concurrent Resolution granting leave of absence to John M. Howell, District Judge of the Eleventh Judicial District.

Mr. Smith presented a petition of S. M. Miles, praying relief for money expended and services rendered to emigrants in 1849 and '50, which was read, and with the accompanying paper, referred to the Committee on State Hospitals.

A communication from the Common Council of Sacramento, remonstrating against an Act pending in the Legislature, extending the powers of the District Attorney of Sacramento county, was read and referred to the delegation from Sacramento.

Mr. Moore presented a petition from Wm. N. Tracy and Harriet T. K. Tracy, praying that the name of Charles Turner Kelly be changed to Charles Turner Kelly Tracy, which was read and referred to the delegation from San Francisco.

Mr. Crenshaw gave notice that he would, on to-morrow or soon thereafter, introduce a bill providing for the enactment and preservation of local Mining Laws.

Mr. Coffroth gave notice that he would on to-morrow introduce a bill for an Act

creating the office and defining the duties of State Printer, and fixing his compensation.

Mr. Lyons gave notice that he would, on to-morrow, introduce a bill for an Act to provide for the appointment and prescribe the duties of Guardians, and

A bill for an Act amendatory of an Act to regulate the settlement of the Estates of Deceased Persons.

Leave being granted, Mr. Keene introduced a bill for an Act to authorize John C. Johnson to construct a wagon road from Placerville, in El Dorado county, to the Utah line, and to regulate the tolls to be collected on the same, which was read a first and second time, and referred to the Committee on Roads and Highways.

Leave being granted, Mr. Sawyer introduced a bill for an Act declaratory of the tenure of the lands in the Mining Districts, which was read a first and second time, and referred to the Judiciary Committee.

Mr. Smith gave notice that on to-morrow he would introduce a bill for an Act defining the time for commencing Civil Actions.

Mr. Kendall gave notice that he would on to-morrow introduce a bill authorizing the Court of Sessions of Tuolumne county to levy a small special tax for the support of the Indigent Sick of said county.

Mr. Moore gave notice that he would, at an early day, introduce a bill for an Act concerning the formation of associations for establishing Rural Cemeteries.

Mr. Smith gave notice that on to-morrow, or some early day, he would introduce a bill for an Act creating and regulating Public Ferries.

Mr. Moore, chairman of the Committee on Public Printing, reported back the resolution referred to that committee relative to the printing of the yeas and nays in the Journal, recommending its adoption.

Mr. Smith moved to lay upon the table.

Lost.

Upon the passage of the resolution, the yeas and nays were demanded by Messrs. Sprague, Tuttle and Bryan, with the following result:

YEAS.

Messrs. Bryan, Catlin, Coffroth, Colby, Hager, Hook, Keene, Kendall, Lent Livermore, Lyons, Mahoney, Moore, McFarland, McGarry, Sawyer, Sprague, Stebbins, Tuttle, Whiting—20.

NAYS.

Messrs. Crenshaw, Gardner, Grewell, Hall, Hudspeth, Kurtz, Leake, May, Smith, Wade—10.

Mr. Sawyer asked and obtained leave of absence for Mr. Peck.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed on Friday last an Act [illegible] the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

An Act to declare exempt from forced sale under execution, or other process, certain property of the several counties of this State.

An Act to provide for holding Terms of the District Court in Tulare County;

And a Concurrent Resolution in relation to furnishing Reporters with the Codified Statutes of this State.

The Assembly refused to concur in all the amendments made by the Senate to Assembly Joint Resolutions in reference to an Increase of the Mails, and respectfully ask a Committee of Conference in reference thereto, and have appointed, on the part of the Assembly, Messrs. Stow, Conness and Bowie.

The Assembly passed, on Saturday, An Act to prevent the sale of Fire-arms and Ammunition to Indians in this State;

And a Concurrent Resolution to suspend the further publication of the Laws and Journals until such time as the Legislature shall otherwise direct.

They passed, on yesterday, Senate Bill, No. 33, for An Act to protect the Bodies of Deceased Persons and Public Grave-Yards, with an amendment as therein shown.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 10, for An Act to declare Exempt from Forced Sale under Execution, or other process, certain Property of the several Counties of this State.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 82, for An Act to provide for Holding Terms of the District Court in Tulare County.

Read a first and second time, and referred to Mr. Wade.

Assembly Concurrent Resolution to furnish the reporters of each House with copies of the Codified Statutes, was read and adopted.

Mr. Coffroth moved that a committee be appointed to confer with the committee of the Assembly on the Joint Resolutions for an Increase of the Mail Service.

Agreed to.

Messrs. Coffroth, Tuttle and Bryan were appointed the Committee.

Assembly Bill, No. 80, for An Act to prevent the Sale of Fire-arms and Ammunition to Indians in this State.

Read a first and second time, and referred to the Committee on Military Affairs.

Assembly Bill, No. 83, for An Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal An Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Read a first and second time, and referred to the Committee on the Judiciary.

Assembly Concurrent Resolution to suspend the printing of the Laws and Journals, was read.

Mr. Sawyer moved to lay the resolution upon the table.

The ayes and nays were demanded by Messrs. Sawyer, Sprague and May, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Sawyer, Smith and Tuttle—17.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Wade and Whiting—13.

According to previous notice, Mr. Hagar introduced a bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time, and referred to the Committee on the Judiciary.

According to previous notice, Mr. Stebbins introduced a bill for An Act to fix the Permanent Location of the Seat of Government of the State of California.

Read a first and second time, and referred to the Committee on Public Buildings.

Mr. Tuttle moved to reconsider the vote by which the Assembly resolution to suspend the Printing of the Laws and Journals, was laid on the table.

Mr. Leake moved to lay the motion to reconsider on the table.

Upon which the ayes and nays were demanded with the following result:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kurtz, Leake, May, McFarland, McGarry, Sawyer, Smith and Wade—16.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—13.

Mr. Lent presented the petition of John D. Brower, praying duplicates of two land warrants.

Read, and referred to the Committee on Claims.

Mr. Sprague gave notice that, on to-morrow, or some early day, he would introduce a bill for An Act to repeal an Act explanatory of the Thirty-ninth Section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851, passed May 18, 1853.

Mr. Lent gave notice that, on some early day, he would introduce a bill for An Act prohibiting sailing vessels and steamers from sailing or advertising under any other name than that designated in their registers;

And a bill for An Act to Regulate the Shipment of Sailors.

Mr. Mahoney submitted the following:

Resolved, That George Kerr is hereby constituted State Printer for the Senate of the State of California for the ensuing year at the present prices paid to him.

Mr. Catlin moved to amend by striking out "George Kerr," and inserting "James Anthony & Co."

Mr. Bryan moved to lay the resolution on the table.
Agreed to.

Mr. Mahoney submitted the following:

Resolved, That George Kerr be constituted State Printer for the Senate of the State of California for the next five years, at the present prices paid him for State printing.

Mr. Coffroth moved to lay the resolution on the table.
Agreed to.
Leave being granted, Mr. Coffroth introduced a bill for An Act creating the office, and defining the duties of State Printer and fixing his compensation.
Read a first and second time.
Mr. Wade moued to refer the bill to the Committee on Public Printing.
Mr. Lent moved to amend, by referring it to the Committee of the Whole Senate, and making it the special order for Thursday the 23d inst.
The amendment was lost.
The bill was then referred to the Committee on Public Printing.
On motion of Mr. Leake, the usual number of copies was ordered printed.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, Feb. 15, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Senate Bill for

An Act to release the Title of the State to Certain Property and to vest the same, conditionally, in the United States; also,

An Act for the releasing of the title of the State to Certain Property in the City of San Francisco to the United States, and providing for compensation to individuals upon the same, recommending that they be indefinitely postponed; also,

Senate Bill for An Act concerning the Salaries of Officers and Pay of Members of the Legislature, approved May 1, 1852, recommending its indefinite postponement; also,

Memorial of W. U. Walton, recommending that the prayer of the memorialist be denied; also,

Assembly Bill, No. 75, for An Act to declare the meaning and intention of an Act entitled an Act concerning Officers, passed April 28, 1851, accompanied by a substitute, the passage of which was recommended; and,

Senate Bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of this State and Judicial Officers, approved May 19, 1853, recommending that it be indefinitely postponed.

Mr. Bryan, of the Judiciary Committee, reported back,

Senate Bill for An Act to fix the Sessions of the Supreme Court at the Seat of Government, recommending its passage.

Mr. Moore, Chairman of the Committee on Public Printing, reported back the Annual Report of the Superintendent of Public Instruction, recommending that it be not printed.

Mr. Crenshaw, from the same Committee, reported in favor of printing 1,500 copies.

Mr. Lent moved to recommit to the Committee on Public Printing with instructions to strike out the recommendation of school books, commissioners, the appendix, and copies of correspondence contained in the report.

Mr. Bryan offered the following substitute:

Resolved, That the report of Superintendent of Public Instruction be recommitted to the Committee upon Printing with instructions to ascertain whether it be expedient to curtail the report in any respect, and if it be ascertained to be expedient to curtail it, to point out the portion or portions in which it should be done.

Upon the adoption of the substitute, the ayes and nays were demanded by Messrs. Lent, Coffroth and Bryan, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Keene, Kendall, Lent, Livermore, May, Sawyer, Sprague and Stebbins—13.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kurtz, Leake, Lyons, Moore, McFarland, McGarry, Smith, Tuttle, Wade and Whiting—17.

Mr. Lent moved to adopt the report of the Chairman of the Committee on Public Printing.

The ayes and nays were demanded by Messrs. Stebbins, Tuttle and Lent, with the following result:

AYES.

Messrs. Bryan, Coffroth, Hagar, Hall, Livermore, Mahoney, Moore, Sawyer, Stebbins and Tuttle—10.

NAYS.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Lent, Lyons, May, McFarland, McGarry, Smith, Sprague, Wade and Whiting—20.

Mr. Sprague moved to refer the report to the Committee on Education with instructions to report as to the printing.

Upon which the ayes and nays were demanded by Messrs. Crabb, Wade and Tuttle, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Hook, Keene, Lent, Livermore, Mahoney, May, Sawyer, Sprague, Stebbins and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Kurtz, Leake, Lyons, Moore, McGarry, Smith, Tuttle and Wade—14.

According to previous notice, Mr. Smith introduced a bill for An Act amendatory of an Act defining the time for commencing Civil Actions.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Wade, to whom was referred Assembly Bill for An Act to provide for holding Terms of the District Court in Tulare County, reported it back recommending its passage.

Mr. Whiting presented a petition of citizens of Santa Cruz County, in favor of a Maine Liquor Law.

On motion of Mr. Crabb, referred to the Committee on Vice and Immorality.

Mr. Lent submitted the following:

Resolved, That his Excellency, the Governor, and the Comptroller, be requested to furnish this body with the action they have taken under the Act passed April 29, 1852, entitled An Act to provide for the State Printing; in what papers proposals under said law were advertised; on what day opened; how many received; from whom; and the names of each with the prices affixed; also, the names of the sureties of the present State Printer; and such other information as they conceive proper to suggest.

Adopted.

Mr. Hook gave notice that he would, on to-morrow, or some early day, introduce a bill to define the Boundary Lines between the Counties of El Dorado and Calaveras; also, between El Dorado and Placer; also, between El Dorado and Sacramento.

Leave being granted, Mr. Tuttle introduced a bill for An Act to repeal an Act entitled an Act to provide for the Public Printing, passed April 29, 1852.

Read a first time.

Mr. Kurtz submitted a Joint Resolution in relation to certain Mail Routes.

Read a first and second time, and referred to the Committee on Federal Relationf.

The following message was received from the Assembly:

Mr. President :

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill for An Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said County, and have amended the same as therein shown.

B. McALPIN, Clerk.

On motion of Mr. Catlin, the Senate concurred in Assembly's amendment.

Mr. Catlin, from the Committee on Claims, presented the following report:

Mr. President:

The Committee on Claims, to whom was referred the resolution instructing the Committee on Contingent Expenses to settle with the official reporters for reporting the evidence in the investigation of the alleged attempt to bribe the Senator from Butte, respectfully report the resolution back, recommending the blank be filled with five days at $75 per day for Reporters of the Alta and Herald; and eight days, at $75 per day, for the Reporter of the Times and Transcript; and that the resolution so amended be adopted.

A. P. CATLIN,
WM. M. LENT.

The report was accepted, and laid on the table.

According to previous notice, Mr. Sprague introduced a bill for An Act to repeal an Act explanatory of the Thirty-ninth Section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851; passed May 18, 1853.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Colby gave notice that, on to-morrow, he would introduce An Act concerning the Manufacture and Sale of Spiritous or Intoxicating Liquors; and,

An Act to provide for Building and Furnishing a Jail in Sacramento County.

Assembly's amendment to Senate Bill for An Act to protect the Bodies of Deceased Persons and Public Grave-Yards, was concurred in.

Mr. Hagar moved that the Senate adjourn.

Lost.

Mr. Catlin moved to take from the table a bill for An Act to provide for the

Permanent Location of the Seat of Government of the State of California at Sacramento City.

Agreed to.

Mr. Hagar moved to refer the bill to the Committee on Public Buildings.

Mr. Bryan moved that the Senate adjourn.

Lost.

Mr. Colby moved to amend by striking out "Public Buildings," and inserting "Finance."

Agreed to.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Thursday, Feb. 16, 1854.

Senate met pursuant to adjournment.

President in the chair.

The Journal of yesterday was read and approved.

Mr. Kurtz, from the Committee on Public Lands, reported back Senate Bill for An Act to reclaim Tule Lands, and to encourage the cultivation of sugar, rice and cotton thereon; and,

Assembly Joint Resolution in relation to Public Lands, recommending their indefinite postponement.

Mr. Coffroth, of the Committee on Public Lands, reported back Assembly Concurrent Resolution, requesting of Col. John C. Hays an early Survey of the Seminary Lands, donated to the State by the General Government, recommending its adoption.

The resolution was adopted.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back Assembly Bill for An Act to provide for the Salary of the Clerks in the State Departments, recommending its indefinite postponement.

The report was accepted and laid upon the table.

Mr. Sprague, Chairman of the Committee on Finance, reported back for the consideration of the Senate, without amendment, a bill for An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City.

The report was accepted and laid upon the table.

Mr. Leake submitted the following:

Resolved, That the Secretary be instructed to seal up and deposit in the Secretary of State's Office the testimony and papers relating to the alleged attempt to bribe the Senator from Butte.

Adopted.

Mr. Tuttle submitted a Joint Resolution in relation to auditing bills and issuing of Warrants for State Printing.

Read a first and second time and referred to the Committee on Finance.

Leave being granted, Mr. Hagar introduced a bill for An Act relative to transferring Actions and Proceedings from one Court to another Court.

Read a first and second time, and referred to the Committee on the Judiciary.

According to previous notice, Mr. Stebbins introduced a bill for An Act Supplementary to an Act to Fund the Debt of the County of Yuba and provide for the payment thereof, passed May 3, 1852.

Read a first, second and third time and passed.

According to previous notice, Mr. Colby introduced a bill for An Act concerning the Manufacture and Sale of Spiritous or Intoxicating Liquors.

Read a first and second time, and referred to the Committee on Vice and Immorality.

Mr. Bryan gave notice that he would, on to-morrow, introduce a bill for An Act to amend an Act to regulate Fees in Office, so far as said Act refers to the pay of witnesses and jurors.

Mr. Hagar moved to take from the table a bill for An Act to amend an Act entitled an Act concerning officers, passed April 28, 1851, substitute for Assembly Bill, No. 75.

Agreed to.

The substitute was read and adopted.

Mr. Leake moved to amend by striking out in the ninth line the words "not exceeding twelve."

Adopted.

Mr. Sprague moved to strike out in the twenty-second line the words "of October subsequent to," and insert "of the month next succeeding."

Agreed to.

Mr. Keene moved to lay the bill upon the table.

Lost.

The bill was then ordered engrossed for a third reading.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts:

An Act to authorize the Court of Sessions of the County of Sacramento to

levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said County; and,

An Act to Protect the Bodies of Deceased Persons and Public Grave-Yards.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, yesterday, An Act to abolish the Board of Supervisors in and for the County of Santa Clara;

An Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the Office of County Treasurers, passed March 27, 1850, approved May 19, 1853, and to revive said fourteenth section.

They also concurred in the resolution of the Senate in reference to the printing of the ayes and nays in the Journals.

They passed Senate Bills for An Act to authorize the release of John G. Bircham and his Sureties from a Recognizance and Judgment; and,

An Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island; also,

They concurred in Senate Resolution concerning the Pacific Railroad, and appointed Messrs. Irwin, Watkins and Carr to meet Senate Committee on that subject.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act to abolish the Board of Supervisors in and for the County of Santa Clara.

Read a first and second time, and referred to Mr. Grewell.

Assembly Bill, No. 12, for An Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the Office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revise said fourteenth section.

Read a first and second time, and referred to the Judiciary Committee.

Senate Bill, No. 53, for An Act to repeal an Act entitled an Act to provide for the Public Printing, passed April 29, 1853.

Read a second time, and referred to the Committee on Public Printing.

Assembly Bill for An Act to provide for Holding Terms of the District Court in Tulare County.

Read a third time and passed.

Senate Bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of this State and Judicial Officers, approved May 19, 1853.

Taken from the table, and,

On motion of Mr. Sprague, indefinitely postponed.

Mr. Kurtz submitted the following:

Resolved, That when the Senate adjourns on the 21st inst., that it will stand adjourned until the 23d, in honor of the birth-day of Washington.

Adopted.

Mr. Sprague gave notice that he would, on to-morrow, or very soon thereafter,

introduce a bill for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850.

Senate Bill, No. 17, for An Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, approved May 1, 1852, was indefinitely postponed.

The report of the Committee on the Judiciary, adverse to the memorial of W. N. Walton, was adopted.

Senate Bill for An Act to fix the Sessions of the Supreme Court at the Seat of Government, was taken from the table.

Mr. Moore offered the following amendment: "provided the location of the Capital shall remain at Benicia."

Mr. Hagar offered the following substitute:

"Section 1.—That hereafter the Supreme Court of this State shall be held during the April and October Terms in the City of ———— and during the January and July Terms in the City of ————."

The substitute was lost.

The amendment was also lost.

Mr. Crabb moved to add to the section, the words, "to wit—the City of Benicia."

Lost.

Mr. Sprague moved to reconsider the vote just taken.

Agreed to.

Mr. Crabb moved to strike out the words "Seat of Government," and insert "Capital of the State."

Adopted.

On motion of Mr. Catlin, the bill was read a third time and passed.

The title was amended so as to read "An Act to fix the Sessions of the Supreme Court at the Capital of the State."

Mr. Catlin moved to take from the table a bill for An Act to provide for the Permanent Location of the Seat of Government at Sacramento City.

Mr. Smith moved a call of the Senate.

Agreed to; and the following Senators were found absent: Messrs. Lent, Stebbins, Tuttle and Whiting.

Mr. Sawyer moved to suspend further proceedings under the call.

Lost.

Mr. Smith asked and obtained leave of absence for one day for Mr. Whiting.

Mr. Mahoney asked leave of absence for one day for Mr. Lent.

Granted.

Mr. Colby moved to suspend further proceedings under the call.

Agreed to.

On motion of Mr. Colby, the bill was ordered engrossed for a third reading.

On motion, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, Feb. 17, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed,

Senate Bill for An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851; and,

An Act to provide for the Permanent Location of the Seat of Government of the State of California, at Sacramento City.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back the following:

Assembly Bill for An Act concerning County Judges; also,

An Act to repeal an Act to amend the fourteenth section of an Act entitled An Act concerning the Office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revive said fourteenth section; and,

An Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850, recommending their indefinite postponement.

Mr. Hagar also reported back Senate Bill for An Act relative to transferring Actions and Proceedings from one Court to another Court, with several amendments, recommending its passage; also,

Senate Bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, with several amendments.

The reports were accepted and laid upon the table.

Mr. Smith, from the Judiciary Committee, reported back a bill for An Act amendatory of an Act defining the time for commencing Civil Actions, with a recommendation that it pass.

Mr. Grewell, to whom was referred Assembly Bill for An Act to abolish the Board of Supervisors in and for the County of Santa Clara, reported the same back with an amendment.

The report was accepted and laid upon the table.

Mr. Kendall, Chairman of the Committee on State Hospitals, reported back the petition of S. M. Miles, recommending that it be referred to the Committee on Claims.

The report was accepted and laid upon the table.

Mr. Sawyer gave notice that, on to-morrow, or soon thereafter, he would introduce a bill for An Act to divide the State into Congressional Districts.

Leave being granted, Mr. Crenshaw introduced a bill for An Act amendatory of an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 18, 1853.

Read a first and second time, and referred to the Committee on Finance.

Leave being granted, Mr. Lyons introduced a bill for An Act to provide for the payment of the Salary of the Governor's Private Secretary out of the General Fund.

Read a first time.

Mr. Keene presented a memorial of J. Carothers.

Read and referred to a Select Committee consisting of Messrs. Keene, Sprague and Lyons.

Senate Bill for An Act to release the title of the State to certain property and vest the same, conditionally, in the United States, was taken from the table, and,

On motion of Mr. Tuttle, indefinitely postponed.

Senate Bill for An Act for the releasing of the title of the State to certain property in the City of San Francisco, to the United States, and providing for compensation to individuals upon the same, was indefinitely postponed.

Assembly Joint Resolution in relation to Public Lands, was indefinitely postponed.

Senate Bill for An Act to reclaim Tule Lands, and to encourage the cultivation of sugar, rice and cotton thereon, was also indefinitely postponed.

Assembly Bill for An Act to provide for the Salary of the Clerks in the State Department, was also indefinitely postponed.

On motion of Mr. McFarland, a Concurrent Resolution relative to the election of Physicians to the State Marine Hospital, was taken from the table.

Mr. Hall offered the following substitute:

Resolved, By the Senate, the Assembly concurring, that the two Houses meet in Joint Convention, on Tuesday the 21st February, 1854, at 12 o'clock, for the purpose of electing five Trustees, one Resident, and one Assistant Physician, for the Insane Asylum of California; and five Trustees, two Resident, and two Visiting Physicians, for the State Marine Hospital.

Mr. Hagar moved to lay upon the table.

Lost.

Mr. Hagar moved that the whole subject be referred to the Committee on State Hospitals.

Upon which the ayes and nays were demanded by Messrs. Tuttle, McFarland and Kendall, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Gardner, Hagar, Hook, Keene, Kendall, Kurtz, Lent, Mahoney, May, Moore, McGarry, Sawyer, Smith, Sprague and Stebbins—18.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Hall, Hudspeth, Lyons, McFarland, Tuttle, Wade and Walkup—11.

A special message with accompanying documents was received from the Governor in relation to the Public Printing.

The following message was also received from the Governor:

Executive Department,
Benicia, Feb. 16, 1854.

To the Senate of California:

I have, this day, approved the following Acts, which originated in the Senate, viz:

An Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a Special Tax for the Support of the Indigent Sick of said County;

An Act to change the name of Wm. Alexander Smith to Amor de Cosmos; and,

An Act to Protect the Bodies of Deceased Persons and Public Grave-Yards.

JOHN BIGLER.

Mr. Moore gave notice that he would, at an early day, introduce a bill for An Act to Incorporate the City of San Francisco.

Senate Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was taken from the table.

Mr. Hagar moved that the Senate concur in the amendments of the Judiciary Committee.

Agreed to.

And on motion of Mr. Sprague, the bill was ordered engrossed for a third reading.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to Incorporate Crescent City; also,

An Act to amend an Act concerning the Office of Public Administrator and making it Elective, passed April 15, 1851; also,

An Act to abolish the Board of Supervisors in the County of Contra Costa; also,

An Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies; and,

An Act to amend an Act concerning the Writ of Habeas Corpus, passed April, 20, 1850.

All of which is respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act to Incorporate Crescent City.

Read a first and second time, and referred to the Committee on Corporations.

Assembly Bill for An Act to amend an Act concerning the Writ of Habeas Corpus, passed April 20, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill for An Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill for An Act to abolish the Board of Supervisors in the County of Contra Costa.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill for An Act to amend an Act concerning the Office of Public Administrator and making it Elective, passed April 15, 1851.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hagar moved to take from the table Senate Bill for An Act relative to transferring Actions and Proceedings from one Court to another Court.

Agreed to.

The first and third amendments of the Judiciary Committee were concurred in.

On motion of Mr Catlin, the bill was laid upon the table, and the usual number of copies ordered printed.

On motion of Mr. Catlin, a bill for An Act to provide for the Permanent Location of the Seat of Government of the State of California, at Sacramento City, was taken from the table.

Mr. Smith moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Smith, Tuttle and Lyons, which resulted as follows:

AYES.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Hagar, Hook, Hudspeth, Keene, Kendall, Kurtz, Lyons, Moore, McFarland, McGarry, Sawyer, Smith, Wade and Walkup—18.

NAYS.

Messrs. Coffroth, Colby, Gardner, Grewell, Hall, May and Sprague—7.

The roll being called, the following Senators were found absent: Messrs. Leake, Mahoney and Stebbins.

Mr. Sprague moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Crabb moved that the Senate take a recess to 3 o'clock.

Lost.

Mr. Lent presented a petition of Volunteers under Col. J. C. Hays.

Referred to the Committee on Military Affairs.

Mr. Smith moved that the Senate adjourn.

Lost.

The bill was read a third time.

Mr. Bryan moved that the bill be indefinitely postponed.

Upon which the ayes and nays were demanded by Messrs. Bryan, Lyons and Crabb, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Moore, McFarland, McGarry, Smith and Stebbins—12.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Sawyer, Sprague, Wade, Walkup and Whiting—14.

Mr. Lyons moved to recommit to the Committee on Finance, with instructions to strike out "one day after the passage of this Act," and insert the "first day of June next," and that the Committee report the same back on next Tuesday.

Upon which the ayes and nays were demanded by Messrs. Catlin, Sprague and Lyons, which resulted as follows:

AYES.

Messrs. Crabb, Crenshaw, Hagar, Hudspeth, Kurtz, Lyons, McGarry, Sawyer and Smith—9.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Gardner, Grewell, Hall, Hook, Keene, Kendall, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting—19.

Mr. Catlin presented certain papers of the authorities of Sacramento in reference to a removal of the Capital to that City.

Read and laid upon the table.

Mr. Lent moved that the Senate adjourn.

Upon which the ayes and nays were demanded with the following result:

AYES.

Messrs. Bryan, Colby, Hagar, Hudspeth, Kendall, Lent, Lyons, McGarry, Smith and Whiting—10.

NAYS.

Messrs. Catlin, Coffroth, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, Kurtz, May, Moore, McFarland, Sawyer, Sprague, Wade and Walkup—16.

Mr. Hagar moved a call of the Senate.

Lost.

Mr. Bryan moved to lay the bill upon the table.

Lost.

The question being, "Shall the bill pass?" the ayes and nays were demanded with the following result:

AYES.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Sawyer, Sprague, Wade, Walkup and Whiting—15.

NAYS.

Messrs. Bryan, Coffroth, Hagar, Hudspeth, Kendall, Kurtz, Lyons, Moore, McFarland, McGarry, Smith and Stebbins—12

Mr. Hall moved to reconsider the vote just taken.

Mr. Colby moved to indefinitely postpone the motion to reconsider.

Mr. Smith moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Smith, Lyons and McGarry,, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, McFarland, McGarry, Sawyer, Smith and Stebbins—14.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Moore, Sprague, Tuttle, Wade, Walkup and Whiting—15.

Mr. Crabb moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Crabb, Kendall and Stebbins, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, Moore, McGarry, Smith and Stebbins—13.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, McFarland, Sawyer, Sprague, Tuttle, Wade, Walkup and Whiting—16.

Mr. Crabb moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Crabb, Stebbins and Kendall, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, McFarland, McGarry, Sawyer, Smith and Stebbins—14.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Moore, Sprague, Tuttle, Wade, Walkup and Whiting—15.

Mr. Bryan moved to amend the motion to indefinitely postpone, by postponing until to-morrow.

Mr. Hagar, moved to adjourn.

Upon which the ayes and nays were demanded by Messrs. Hagar, Lyons and Stebbins, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, Moore, McFarland, McGarry, Smith and Stebbins—14.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hook, Keene, May, Sawyer, Sprague, Tuttle, Wade, Walkup and Whiting—14.

Upon the motion to postpone until to-morrow, the ayes and nays were demanded by Messrs. Lent, Bryan and Lyons, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, Moore, McFarland, McGarry, Smith and Stebbins—14.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hook, Keene, May, Sawyer, Sprague, Tuttle, Wade, Walkup and Whiting—14.

Mr. Sawyer moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Sawyer, Hagar and Smith, with the following result:

AYES.

Messrs. Bryán, Coffroth, Crabb, Hagar, Hudspeth, Kendall, Kurtz, Lent, Lyons, Moore, McFarland, McGarry, Sawyer, Smith and Stebbins—15.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Keene, May, Sprague, Tuttle, Wade, Walkup and Whiting—14.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, February 18, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hall presented the account of the Sergeant-at-Arms for expenses of subpenaing witnesses.
Read and referred to the Committee on Contingent Expenses.

Mr. Smith submitted the following:

Mr. President:

The Joint Committee on Enrolled Bills report, that on the 16th inst. they presented to the Governor for his approval, the following:
An Act to provide for the Restoration of certain Books, Records, Maps and Papers to Humboldt County, now held by Trinity County;

An Act to change the name of William Alexander Smith to Amor de Cosmos;
An Act to Protect the Bodies of Deceased Persons and Public Grave-Yards;
An Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said County; and
Joint Resolution in relation to the removal of the ship Aberdeen.

SAM. B. SMITH,
Chairman.

Mr. Hall submitted the following:

Resolved, By the Senate, the Assembly concurring, that after the adoption of this resolution, all reports, communications and messages addressed to the Legislature, shall, before an order to print, be referred to the Committee on Printing.
Resolved, That the Committees on Printing, of the Senate and Assembly, hereafter act jointly, and recommend the printing of such reports, messages and communications referred to them, and in such quantities as may meet the wants of both Houses.

Mr. McFarland offered the following substitute:

Resolved, That all communications and messages ordered to be printed, shall first be referred to the Committee on Printing.

Upon which the ayes and nays were demanded by Messrs. Moore, Hall and Crabb, and resulted as follows:

AYES.

Messrs. Bryan, Colby, Crabb, Livermore, Lyons, May, Moore, McFarland, McGarry, Sawyer, Smith, Wade, Walkup and Whiting—14.

NAYS.

Messrs. Catlin, Coffroth, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Kurtz, Leake, Lent, Sprague and Tuttle—13.

Mr. Sprague moved to lay the whole matter on the table.
Upon which the ayes and nays were demanded by Messrs. Sprague, Kurtz and Coffroth, with the following result:

AYES.

Messrs. Colby, Hudspeth, Kurtz, Leake, Lent, Livermore, May, Moore, McGarry, Smith, Sprague, Tuttle, Wade and Whiting—14.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Lyons, McFarland, Sawyer and Walkup—13.

Mr. Moore from the Select Committee reported a bill to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a first and second time, and laid upon the table.

Mr. Leake in the chair.

Mr. Colby moved to take from the table a bill for An Act to provide for the Permanent Location of the Seat of Government of the State of California, at Sacramento City.

Agreed to.

Mr. Smith moved a call of the Senate.

Agreed to; and the roll being called, the following members were found absent: Messrs. Hagar, Hook, Keene, Kendall, Mahoney, May, Stebbins and Whiting.

Mr. Crabb moved that further proceedings under the call be dispensed with.

Carried.

Mr. Crabb moved to reconsider the vote of yesterday by which the bill passed.

The ayes and nays were demanded by Messrs. Crabb, Catlin and Wade, and resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Gardner, Hudspeth, Kendall, Kurtz, Lent, Lyons, Moore, McFarland, McGarry and Smith—13.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Livermore, May, Sawyer, Sprague, Wade and Walkup—12.

Mr. Lyons moved that the bill be recommitted to the Committee on Finance, with instructions to strike out the words "one day after the passage of this act," and insert "the first day of July next," and report immediately.

Upon which the ayes and nays were demanded by Messrs. Sawyer, Smith and Crabb, with the following result:

AYES.

Messrs. Bryan, Crabb, Crenshaw, Hudspeth, Lent, Lyons, May, McGarry, Sawyer, Smith and Sprague—11.

NAYS.

Messrs. Catlin, Coffroth, Colby, Gardner, Grewell, Hook, Kendall, Kurtz, Livermore, McFarland, Wade and Walkup—12.

Mr. Bryan moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded by Messrs. Bryan, Smith and Kurtz, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hudspeth, Kendall, Kurtz, Moore, McFarland, McGarry and Smith—10.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Lent, Livermore, Lyons, May, Sawyer, Sprague, Wade and Walkup—15.

Mr. Sprague moved that the consideration of the bill be postponed until the first day of April next.

Upon which the ayes and nays were demanded by Messrs. Sprague, Sawyer and Hudspeth, and resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hudspeth, Kendall, Lent, Lyons, May, McGarry, Sawyer, Smith and Sprague—12.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Kurtz, Livermore, Moore, McFarland, Tuttle, Wade and Walkup—14.

Mr. Crabb moved that the bill be recommitted to the Finance Committee with instructions to strike out the words "one day after the passage of this Act," and insert "the first Monday of July next," and report forthwith.

The Chair decided the motion out of order, from which Mr. Crabb appealed.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Coffroth, Smith and Lyons, with the following result:

AYES.

Messrs. Colby, Crenshaw, Gardner, Grewell, Lent, Livermore, Tuttle and Walkup—8.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crabb, Hall, Hook, Hudspeth, Kendall, Kurtz, Lyons, May, McGarry, Sawyer, Smith, Sprague and Wade—16.

The vote recurring upon the motion of Mr. Crabb, the ayes and nays were demanded by Messrs. Sawyer, McGarry and Kurtz, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hudspeth, Kendall, Kurtz, Lyons, May, McGarry, Sawyer, Smith and Sprague—12.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Lent, Livermore, Moore, McFarland, Wade and Walkup—13.

Mr. May moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. May, Smith and Kurtz, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kendall, Kurtz, Lent, Lyons, May, McGarry, Sawyer, Smith and Sprague—12.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Leake, Livermore, Moore, McFarland, Tuttle, Wade and Walkup—15.

Mr. Catlin moved the previous question.

Not sustained.

Mr. Smith moved to postpone the consideration of the bill to the 15th of March next.

Upon which the ayes and nays were demanded with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hudspeth, Kendall, Lent, Lyons, McGarry, Sawyer, Smith and Sprague—11.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Kurtz, Livermore, May, McFarland, Tuttle, Wade and Walkup—14.

The vote being upon the final passage of the bill, the ayes and nays were demanded, which resulted as follows:

AYES.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hall, Hook, Livermore, May, Sawyer, Sprague, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Hudspeth, Kendall, Kurtz, Lyons, Moore, McFarland, McGarry and Smith—11.

On motion, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, Feb. 20, 1854.

Senate met pursuant to adjournment.
Prayer by the Rev. Mr. Woodbridge.

On motion of Mr. Sprague, Mr. Lyons was called to the chair.
Mr. Wade moved a call of the Senate.
Agreed to.
The roll was called, and the following Senators were found absent: Messrs. Crenshaw, Gardner, Hagar, Hudspeth, Keene, Kurtz, Leake, Lent, Mahoney, Moore, McGarry, Sawyer, Smith, Stebbins, Tuttle and Whiting.
No quorum present.
Messrs. Kurtz and McGarry appeared and were admitted.
Messrs. Keene, Sawyer, Smith, Tuttle, Lent, Crenshaw and Peck appeared and were admitted.
The President *pro tem.* took the chair.
Mr. McFarland moved that further proceedings under the call be dispensed with.
The Journal of Saturday was read and approved.

Mr. Hall, Chairman of the Committee on Military Affairs, reported back Assembly Bill for An Act to prevent the Sale of Fire-Arms and Ammunition to Indians in this State, recommending its passage.

Leave being granted, Mr. Hall introduced a bill for An Act amendatory of an Act entitled an Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time, and referred to the Judiciary Committee.

According to previous notice, Mr. Hook introduced a bill for An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to the delegations from El Dorado, Calaveras, Placer and Sacramento.

Assembly Bill for An Act to prevent the Sale of Fire-Arms and Ammunition to Indians in this State, was considered in Committee of the Whole, and reported back with an amendment, which was concurred in by the Senate.

Mr. Sprague submitted the following amendment: Strike out the words "one-fourth shall be paid to the person informing," in first and second lines of section two, and the word "fourth" in the third line, and insert the word "half."

Upon which the ayes and nays were demanded by Messrs. Sprague, Lyons and McGarry, which resulted as follows:

AYES.

Messrs. Crabb, Grewell, Hook, Lent, Lyons, McFarland, McGarry and Sprague—8.

NAYS.

Messrs. Bryan, Catlin, Crenshaw, Hall, Keene, Kendall, Kurtz, Livermore, May, Peck, Sawyer, Smith, Tuttle, Wade and Walkup—15.

On the passage of the bill, the ayes and nays were demanded by Messrs. May, Sprague and McGarry, with the following result:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Keene, Kendall, Lent, Livermore, May, McFarland, Peck, Sawyer, Smith, Tuttle, Wade and Walkup—19.

NAYS.

Messrs. Lyons, McGarry and Sprague—3.

A communication was received from the State Treasurer in reference to the payment of the twenty-five per cent. upon the sales of water lot property in the City of San Francisco.

Mr. McFarland submitted the following:

Resolved, By the Senate and Assembly, that the Treasurer and Comptroller of State be authorized to adopt such measures as they may deem advisable, in order to investigate the subject matter contained in the State Treasurer's report just read.

The resolution was read a first and second time, and,

On motion of Mr. Sawyer, referred to the Committee on Finance.

Mr. Crabb gave notice that, on to-morrow, or some early day, he would introduce a bill for An Act to amend an Act entitled an Act to provide for the Public Printing, passed April 29, 1852.

The following message from the Assembly was read:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act fixing the time of holding the several Courts of Alameda County; also,

A Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act fixing the time of holding the several Courts of Alameda County.

Read a first and second time, and referred to Mr. Grewell.

Assembly Joint Resolution, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

Read a first and second time, and referred to the Committee on the Judiciary.

Messrs. Catlin and Colby, to whom was referred a communication from the Mayor and Common Council of Sacramento City, remonstrating against a law pending in the Legislature affecting the police administration of said city, reported it back, recommending it to the favorable consideration of the Senate.

Mr. Sprague gave notice that, on to-morrow, or some early day, he would introduce a bill for An Act making appropriations for the Civil Expenses of the Government of this State for the unexpired portion of the fiscal year ending June 30th, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854.

According to previous notice, Mr. Colby introduced a bill for An Act to provide for Building and Furnishing a Jail in Sacramento County.

Read a first and second time, and referred to the Delegation from Sacramento.

Mr. Tuttle submitted the following:

Resolved, That the Comptroller be requested immediately to report to the Senate the number of warrants, the respective dates and amounts of the same, which have been issued for printing done for the State, thus far, during the present fiscal year.

Adopted.

Leave being granted, Mr. McGarry introduced a bill for An Act for the distribution and sale of Town Lots on Public Lands in this State.

Read a first and second time, and referred to the Committee on Public Lands.

The title to Senate Bill, No. 39, was read An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City.

The question being, "Shall the title stand?"

Mr. Smith offered the following amendment: Strike out all after the word "Act," and insert "to fix the Permanent Seat of Government at San José."

The Chair decided the amendment out of order, from which decision Mr. Smith appealed.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Crabb, Smith and Walkup, with the following result:

AYES.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Livermore, May, McFarland, Sawyer, Sprague, Tuttle, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Kendall, Kurtz, Lent, McGarry and Smith—8.

Mr. Crabb offered the following amendment: Strike out the words "Permanent Location of the Seat of Government," and insert the words "Capital of the State."

Mr. Coffroth moved that the Senate adjourn.

Lost.

Mr. Coffroth moved that the Senate take a recess to 5 o'clock.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Smith and McGarry, and was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kendall, Lent, McGarry and Smith—7.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Keene, Livermore, May, McFarland, Peck, Sawyer, Sprague, Tuttle, Wade and Walkup—16.

The vote recurring upon the amendment of Mr. Crabb, the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kendall, Kurtz, Lent, Lyons, McGarry and Smith—9.

NAYS.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Keene, Livermore, May, Sawyer, Sprague, Tuttle, Wade and Walkup—13.

The question recurring upon the approval of the title of the bill, the ayes and nays were demanded by Messrs. Coffroth, Bryan and Catlin, which resulted as follows:

AYES.

Messrs. Catlin, Coffroth, Colby, Grewell, Hall, Hook, Livermore, May, McFarland, Sawyer, Sprague, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Crabb, Kendall, Kurtz, Lent, McGarry and Smith—7.

Mr. Catlin moved to reconsider the vote just taken.
Mr. Coffroth moved to lay the motion on the table.
Lost.
Mr. Smith moved that the Senate adjourn.
Which motion the Chair decided out of order.
Mr. Smith appealed from the decision of the Chair, and the ayes and nays were demanded by Messrs. Coffroth, Smith and Crabb.
The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Kurtz, Livermore, May, Sawyer, Sprague, Tuttle and Walkup—12.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Kendall, Lent, Lyons, McFarland, McGarry, Smith and Wade—10.

Mr. Sprague moved to indefinitely postpone the motion to reconsider.
Mr. Coffroth moved to lay the motion, to indefinitely postpone, upon the table, and the ayes and nays were demanded by Messrs. Coffroth, Smith and Bryan, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kendall, Kurtz, McGarry and Smith—7.

NAYS.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Keene, Livermore, May, McFarland, Sprague, Tuttle, Wade and Walkup—13.

Mr. Sprague demanded the previous question, which was seconded, and the question being "Shall the main question be now put?" the ayes and nays were demanded, with the following result:

AYES.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Keene, Kurtz, Livermore, May, McFarland, Sawyer, Sprague, Tuttle, Wade and Walkup—15.

NAYS—None.

No quorum voted, but a quorum being present, the Chair decided the question carried, and that the main question should now be put.

Mr. Crabb appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded, with the following result:

AYES.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Livermore, May, Sawyer, Sprague, Tuttle, Wade and Walkup—12.

NAYS.

Messrs. Coffroth, Crabb, Kendall, Kurtz, Lent, McGarry and Smith—7.

The question recurring upon the motion of Mr. Sprague to indefinitely postpone the motion to reconsider, the ayes and nays were demanded by Messrs. Coffroth, McGarry and Smith, which resulted as follows:

AYES.

Messrs. Catlin, Colby, Grewell, Hall, Hook, Keene, May, McFarland, Sawyer, Sprague, Tuttle, Wade and Walkup—13.

NAY.

Mr. Kurtz.

No quorum voted, but a quorum being present, the Chair decided the motion carried.

Mr. Crabb raised the following point of order, appealing from the decision of the Chair :

"It appearing by the call of the roll, in taking the ayes and nays, that no quorum voted, the decision of the Chair in declaring the question carried is, therefore, improper and out of order."

Mr. Lent moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Coffroth and Lent, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kendall, Kurtz, Lent, McGarry, Smith and Tuttle—9.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Keene, Livermore, May, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—15.

On motion of Mr. Sprague, the Senate adjourned.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
JOHN Y. LLND, Secretary.

IN SENATE.

TUESDAY, Feb. 21, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

The matter pending at the time of the adjournment, on yesterday, was taken up,
Which was the appeal of Mr. Crabb from the decision of the Chair on the following point of order:

It appearing by the call of the roll in taking the ayes and nays, that no quorum voted, the decision of the Chair in declaring the question carried is, therefore, improper and out of order.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. Coffroth, McGarry and Crabb, and the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Livermore, Lyons, May, McFarland, Peck, Sawyer, Sprague, Tuttle, Wade and Walkup —17.

NAYS.

Messrs. Coffroth, Crabb, Kurtz, McGarry, and Smith—5.

Mr. McGarry asked and obtained leave of absence for Mr. Hudspeth for four days.

Leave of absence was granted Mr. Hook for one week from Thursday next.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed, a bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Mr. McGarry moved that the usual number of copies of a bill for An Act for the distribution and sale of Town Lots on Public Lands in this State, be ordered printed.

Agreed to.

The Committee on Claims were allowed to withdraw their reports in relation to the pay of reporters in the late case of an alleged attempt to bribe.

Leave being granted, Mr. Garry introduced a bill for An Act for the relief of John F. Hayes.

Read a first and second time, and referred to the Committee on Claims.

Senate Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was taken from the table.

Mr. Tuttle moved to recommit with instructions.

Mr. Crabb moved that the bill be laid upon the table, and the usual number of copies ordered printed.

Agreed to.

Mr. Grewell, to whom was referred a bill for An Act fixing the time of holding the several Courts of Alameda County, reported it back, recommending its passage.

The bill was then read a third time and passed.

On motion of Mr. Lyons, Senate Bill for An Act to provide for the payment of the salary of the Governor's Private Secretary, out of the General Fund.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill for An Act to abolish the Board of Supervisors in and for the County of Santa Clara, was taken from the table.

The amendment of the Committee to strike out the third section, was concurred in, and thus amended the bill was read a third time and passed.

Senate Bill for An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851, substitute for Assembly Bill, No. 75.

Read a third time and passed.

Assembly Bill for An Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revive said fourteenth section, was taken up, and,

On motion of Mr. Sawyer, again laid upon the table.

Assembly Bill for An Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850, was indefinitely postponed.

Senate Bill for An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a third time and passed.

Senate Bill for An Act amendatory of an Act defining the time for commencing Civil Actions.

Read a third time and passed.

Assembly Bill for An Act concerning County Judges, was considered, and,

On motion of Mr. Sprague, laid upon the table.

Mr. Sprague submitted the following:

Resolved, By the Senate, the Assembly concurring, that Major Gen. John E. Wool, of the U. S. Army, and Ex-Governor Foote of Mississippi, be and are hereby invited to visit the State Capital, and the privileges within the Bar of the Legislature be tendered them.

Resolved, That the Governor be requested to forward a copy of this resolution to the distinguished gentlemen therein named.

The resolutions were adopted.

Mr. Bryan submitted the following:

Resolved, That his Excellency, the Governor, be requested to furnish to the Senate copies of such correspondence as may have taken place between the Governor of California and the Agents of Foreign Governments within the State, relating to the disposal of the estates of their deceased countrymen.

The resolution was adopted.

On motion of Mr. McGarry, the Senate adjourned.

The President *pro tem.* pronounced the Senate adjourned to Thursday, 11 o'clock, A. M., by a previous resolution.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

THURSDAY, Feb. 23, 1854.

Senate met pursuant to adjournment.

President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

On motion of Mr. Tuttle, the roll was called, and the following Senators found absent without leave: Messrs. Bryan, Coffroth, Gardner, Grewell, Hagar, Leake, Lent, Lyons, Mahoney, May, Moore, McFarland, McGarry, Smith, Wade and Whiting.

The Journal of Tuesday was read and approved.

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported back for the consideration of the Senate, the account of the Sergeant-at-Arms for subpenaing witnesses.

The report was accepted and laid upon the table.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act for the relief of John F. Hayes, recommending its passage.

The bill was read a third time and passed.

A special message was received from the Governor, transmitting correspondence of Agents of Foreign Governments, in relation to estates of deceased countrymen.

Read and referred to the Committee on Federal Relations.

Mr. Catlin asked and obtained leave of absence for one day for Mr. May.

On motion of Mr. Sawyer, leave of absence for one day was granted to Mr. Coffroth.

Mr. Crenshaw asked and obtained leave of absence for one day for Mr. Lyons.

According to previous notice, Mr. Sprague introduced a bill for An Act making appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the first day of July, 1854.

Read a first and second time, and referred to the Committee on Finance.

On motion of Mr. Tuttle, the usual number of copies were ordered printed.

Mr. Crenshaw presented an account of John Taylor against the State.

Read and referred to the Committee on Contingent Expenses.

Leave being granted, Mr. Tuttle introduced a bill for An Act to appropriate money to pay W. H. Harvey for services for subpenaing witnesses in the case of the alleged attempt to bribe Senator Peck, and the examination of the election returns of 1851.

Read a first and second time, and referred to the Committee on Contingent Expenses.

The following message was received from the Assembly :

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 16th instant, a bill for An Act to Incorporate the City of Oakland;

An Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States;

An Act declaring Mission Creek in the County of San Francisco, a navigable stream;

An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union in Humboldt County; also,

A Joint Resolution in reference to the Board of Land Commissioners holding a session at the City of Los Angeles.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act to Incorporate the City of Oakland.

Read a first and second time, and referred to Mr. Grewell.

Assembly Bill for An Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill for An Act declaring Mission Creek, in the County of San Francisco, a navigable stream.

Read a first and second time, and referred to the San Francisco delegation.

Assembly Bill for An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union in Humboldt County.

Read a first and second time, and referred to Mr. May.

Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the City of Los Angeles.

Read a first and second time, and referred to the Committee on Public Lands.

According to previous notice, Mr. Crabb introduced a bill for An Act to amend an Act entitled an Act to provide for the Public Printing, passed April 29th, 1852.

Read a first and second time, and referred to the Committee on Public Printing.

The petition of S. M. Miles for relief for services rendered Immigrants in 1849, was taken from the table, and referred to the Committee on Claims.

Mr. Tuttle submitted the following:

Resolved, That the Treasurer be requested to report to the Senate, at his earliest convenience, whether Eugene Casserly has paid into the State Treasury, within the last fiscal year, any money on account of an overdraw, through mistake, when he was acting as State Printer.

On motion of Mr. Crabb, the resolution was referred to the Committee on Public Expenditures.

On motion of Mr. Sawyer, Assembly Bill for An Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the Office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revive said fourteenth section, was taken from the table.

Mr. Crabb moved that the bill be recommitted to the Committee on Judiciary, with instructions to report a substitute.

Agreed to.

Two communications were received from the Comptroller of State relative to State Printing.

Read and referred to the Committee on Public Printing.

Mr. Crabb moved to reconsider the vote by which Assembly Bill for An Act to Incorporate the City of Oakland, was referred to Mr. Grewell.

Agreed to.

On motion of Mr. Crenshaw, the bill was referred to the Committee on Finance.

Mr. Keene moved that the usual number of copies be ordered printed.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Sprague and Moore, which resulted as follows:

AYES.

Messrs. Catlin, Crabb, Hall, Hook, Keene, Kendall, Leake, Sprague and Walkup—9.

NAYS.

Messrs. Colby, Crenshaw, Livermore, Mahoney, Moore, Peck, Sawyer, Stebbins, Tuttle and Whiting—10.

According to previous notice, Mr. Sprague introduced a bill for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850.

Read a first and second time, and referred to the Committee on Finance, and the usual number of copies were ordered printed.

On motion the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, Feb. 24, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hagar presented a petition of certain citizens of San Francisco County, praying the privilege of Constructing a Wharf in said County.

The petition was read and referred to the Committee on Commerce and Navigation.

Leave being granted, Mr. Hagar introduced a bill for An Act to authorize the Construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Hook, from the Select Committee, to whom was referred a bill for An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, reported it back recommending its passage.

On motion of Mr. Sawyer, the bill was referred to the Committee on Counties and County Boundaries.

Mr. Colby of the Select Committee, to whom was referred An Act concerning Constables in the City of Sacramento, reported it back with amendments, which were concurred in by the Senate.

Mr. Colby moved that the amendments be considered engrossed.

Upon which the ayes and nays were demanded by Messrs. Catlin, Smith and Walkup, with the following result:

AYES.

Messrs. Colby, Hagar, Hall, Hook, Keene, Livermore, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—12.

NAYS.

Messrs. Catlin, Crabb, De La Guerra, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer, Smith and Walkup—11.

The Chair decided the motion lost, it requiring a two-third vote to consider amendments engrossed.

Mr. Tuttle appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the following vote was had:

AYES.

Messrs. Catlin, Crabb, Hudspeth, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer, Smith and Walkup—11.

NAYS.

Messrs. Colby, Hagar, Hall, Hook, Livermore, Mahoney, Moore, Sprague, Stebbins and Tuttle—10.

Leave being granted, Mr. Smith introduced a bill for An Act to amend an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Leake gave notice that he would, on to-morrow, or some future day, introduce An Act to amend an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Mr. Hagar submitted the following:

Resolved, By the Senate, the Assembly concurring, that leave be granted to the Hon. Delos Lake, District Judge of the Fourth Judicial District, to absent himself from this State for the period of four months.

Adopted.

According to previous notice, Mr. Sawyer introduced a bill for An Act to divide the State of California into Congressional Districts.

Read a first time, and, objections being made to the second reading, it was laid over under the rules.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined and find correctly enrolled the following Acts and Resolution:

An Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified; also,

An Act to authorize the release of John G. Bircham and his Sureties from a recognizance and judgment; and,

Concurrent Resolution concerning the Pacific Railroad.

SAM. B. SMITH,
Chairman.

Mr. Smith moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Hagar, Tuttle and Catlin, with the following result:

AYES.

Messrs. Hook, Hudspeth, Keene, Kurtz, Livermore, McGarry, Smith and Stebbins—8.

NAYS.

Messrs. Catlin, Hagar, Hall, Mahoney, Moore, Peck, Sawyer, Sprague, Tuttle and Walkup—10.

Mr. McGarry moved a call of the Senate.
Lost.
Mr. Hook moved that the Senate take a recess to 3 o'clock.
Lost.
Mr. Smith moved that the Senate adjourn.
Lost.
Mr. Smith moved that the Senate take a recess to 4 o'clock.
Agreed to.

4 o'clock.

Senate reassembled.
No quorum present.
Mr. Smith moved that the Senate adjourn.
Lost.

On motion of Mr. Peck, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, February 25, 1854.

Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

The Journal of yesterday was read and approved.

Mr. Sprague, Chairman of the Committee on Finance, reported back Senate Bill for An Act making appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, with amendments.

The report was accepted and laid upon the table.

Mr. Sprague also reported back from the same Committee, Senate Bill for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850, with amendments.

The report was accepted and laid on the table.

Leave being granted, Mr. Wade introduced a bill for An Act for the formation of Corporations for the Construction of Canals.

Read a first and second time, and referred to the Committee on Corporations.

Mr. Hall in the chair.

Mr. Colby moved to take from the table Assembly Bill for An Act concerning Constables in the City of Sacramento.

Agreed to.

Mr. Colby moved that the bill be read a third time.

The Chair decided, it being necessary to consider the amendments engrossed, would require a two-third vote to order the bill to a third reading.

From which decision Mr. Tuttle appealed, and the ayes and nays were demanded by Messrs. Tuttle, Smith and Moore.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hudspeth, Kendall, May, Peck, Sawyer, Smith, Wade and Walkup—12.

NAYS.

Messrs. Colby, Livermore, Moore, Sprague, Stebbins, Tuttle and Whiting—7.

Mr. Sprague presented a communication in reference to the road from Sacramento River to Humboldt or Mary's River, through Noble's Pass of the Sierra Nevada.

Referred to the Select Joint Committeee on the Pacific Railroad.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 39, An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City.

The Assembly passed, this day, Concurrent Resolution, which is herewith presented, proposing to adjourn to meet in Sacramento on Wednesday next.

All of which is respectfully submitted.

B. McALPIN, Clerk.

Assembly Resolution, to adjourn to meet in Sacramento City on Wednesday next, at 12 M., was read and concurred in.

The ayes and nays being demanded by Messrs. Crabb, Moore and Stebbins, resulted as follows:

AYES.

Messrs. Catlin, Colby, Crenshaw, Gardner, Hall, Hook, Livermore, Mahoney, May, Peck, Sawyer, Sprague, Tuttle, Wade, Walkup and Whiting—16.

NAYS.

Messrs. Crabb, De La Guerra, Hudspeth and Stebbins—4.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City; and,

Assembly Bill, No. 82, An Act to provide for Holding Terms of the District Court in Tulare County.

S. B. SMITH,
Chairman.

Assembly Bill for An Act concerning Constables in the City of Sacramento, being under consideration,

Mr. Catlin moved that the bill be recommitted to the Judiciary Committee, with instructions to make the bill applicable in its provisions to all the Justices' Courts in the State.

Mr. Moore moved to lay the subject on the table.
Agreed to.

Mr. Keene submitted the following:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby requested to superintend the removal of the furniture and other property of the Senate.

Mr. Lyons moved to amend by adding "and shall be allowed extra pay for the same."
Agreed to, and the resolution was adopted.
Mr. Colby moved to take from the table Assembly Bill for An Act concerning Constables in the City of Sacramento.
Upon which the ayes and nays were demanded by Messrs. Colby, Catlin and McGarry, with the following result:

AYES.

Messrs. Colby, Crenshaw, Kendall, Leake, Lyons, May, Sprague, Tuttle and Whiting—9.

NAYS.

Messrs. Catlin, Crabb, Gardner, Hall, Hook, Hudspeth, McGarry, Peck, Smith, Wade and Walkup—11.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills report, that they have delivered to the Governor for his approval, the following Acts:
An Act to authorize the release of John G. Bircham and his Sureties from a Recognizance and Judgment;
An Act declaring the consent of the Legislature of the State of California to the purchase, by the United States, of Signor of Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island; and to vest the jurisdiction over the same in the United States, for the purposes therein specified;
An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City;
An Act to provide for Holding Terms of the District Court in Tulare County; and,
Concurrent Resolution concerning the Pacific Railroad.

SAM. B. SMITH,
Chairman.

Mr. Leake moved that Senate Bill for An Act to divide the State of California into Congressional Districts, be taken from the table.
Agreed to.

Mr. Leake moved that it be referred to a Select Committee.
Mr. Tuttle moved that it be referred to the Judiciary Committee.
Lost.
The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, Feb. 25, 1854.

To the Senate of California:

I have, this day, approved An Act which originated in the Senate, entitled an Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City.

JOHN BIGLER.

Mr. Tuttle moved to adjourn.
Lost.
Mr. Sprague moved to lay the bill on the table.
Lost.
Mr Tuttle moved to adjourn.
Lost.
Mr. Leake withdrew his motion.

Mr. Crenshaw submitted the following:

Resolved, That the thanks of this Senate are hereby tendered to the obliging agents of Adams & Co., and Wells, Fargo & Co., in the City of Benicia, for their unremitting energy and kind attentions to the Senate during the session.

Adopted.

On motion, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary

IN SENATE.

WEDNESDAY, March 1, 1854.

Senate met in the Court House of the County of Sacramento pursuant to Concurrent Resolution.

President in the chair.

On motion of Mr. Smith, the Senate adjourned to meet on Friday, the 3d inst., at 12 o'clock, M.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, March 3, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Wheeler.
The Journal of Saturday was read and approved.
The Journal of Wednesday was also read and approved.

Mr. Coffroth submitted the following:

Resolved, That the Finance Committee be instructed to report to-morrow Assembly Bill for An Act to Incorporate the City of Oakland.

Mr. Sprague moved to amend by striking out "to-morrow," and inserting "on Monday."

On motion of Mr. McFarland, the resolution was laid upon the table.

Mr. Crenshaw moved to take from the table a bill for An Act making appropriations for the Civil Expenses of the Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for

the first seven months of the fiscal year, commencing on the 1st day of July, 1854.

Agreed to.

The bill was considered in Committee of the Whole, Mr. Coffroth in the chair; after some progress made, the committee rose, and asked leave to sit again.

Granted.

Mr. McFarland submitted the following:

Resolved, That the Sergeant-at-Arms be required to make the same postal arrangements with the Postmaster at Sacramento City, and with the Agents of Adams & Co., and Wells, Fargo & Co., as existed at Benicia for the purpose of forwarding the mailable matter of the Senate.

Adopted.

Mr. Crenshaw gave notice that he would, on to-morrow, introduce a bill amendatory of the twentieth section of An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25th, 1851.

Mr. Kurtz gave notice that he would, on a convenient day, introduce a bill to define the water line front of the La Playa in San Diego County.

Mr. Leake gave notice that he would, at an early day, introduce a bill to change the time of electing Congressmen for the State of California.

On motion, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, March 4, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Wheeler.
The Journal of yesterday was read and approved.

Mr. Crenshaw presented a petition of citizens of Yuba County, praying a change of the boundary line between Yuba and Nevada Counties.

Referred to the delegations from those Counties.

Mr. Crenshaw also presented a petition from citizens of California, praying the passage of a law embracing the essential features of the Maine Liquor Law.

Referred to the Committee on Vice and Immorality.

Mr. Bryan presented a paper from citizens of Yuba County, urging the election of a Senator to Congress during the present session of the Legislature.

Read and referred to the delegation from Yuba County.

Mr. Coffroth presented a similar paper.

Read and referred to the delegation from Tuolumne County.

Mr. Colby submitted the following:

Resolved, That the Comptroller be instructed to request Geo. Kerr & Co., the present State Printers, to furnish him with the items of account for State printing due him at the present time; such accounts to embrace all charges for printing bills, journals, blanks, and every other item of account due them to the present date, and that no accounts for printing be audited, unless presented, forthwith, in conformity to this resolution; a copy of said account to be furnished the Senate at as early a day as possible.

Upon the passage of the resolution, the ayes and nays were demanded by Messrs. Tuttle, Bryan and Colby, with the following result:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Hook, Keene, Kendall, Leake, Lent, Lyons, Moore McFarland, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade and Whiting—22.

NAYS.

Mr. Walkup.

Mr. Sprague gave notice that, on Monday next, or an early day thereafter, he would introduce a bill for An Act defining the legal distances from the Seats of Justice of the several Counties of this State, to the State Capital, and to the State Prison, at San Quentin Point, in the County of Marin.

Leave being granted, Mr. Sawyer introduced a bill for An Act supplementary to An Act to provide for the Protection of Foriegners and to define their liabilities and privileges, passed March 30, 1853.

Read a first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Peck moved that the usual number of copies be ordered printed.

Lost.

According to previous notice, Mr. Moore introduced a bill for An Act concerning Corporations for establishing Rural Cemeteries.

Read a first and second time, and referred to the Committee on Corporations.

According to previous notice, Mr. Kendall introduced a bill for An Act to authorize the Courts of Sessions of the Counties of San Joaquin and Tuolumne, to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said Counties.

Read a first and second time, and referred to the Committee on State Hospitals.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly, on the 25th of February, passed Senate Concurrent Resolution, granting leave of absence to the Hon. Delos Lake; also,

An Act to organize the County of Plumas out of a portion of the territory of Butte County.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill for An Act to organize the County of Plumas out of a portion of the territory of Butte County.

Read a first and second time, and referred to the Committee on Counties and County Boundaries.

Mr. Peck was added to the Committee.

Mr. Colby moved to take up a bill for An Act concerning Constables in the City of Sacramento.

Agreed to; and the bill was recommitted to the delegation from Sacramento.

Senate Bill for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850, was considered; and,

On motion of Mr. Sprague, laid upon the table.

Senate Bill for An Act to divide the State of California into Congressional Districts.

Taken up; and,

On motion of Mr. Leake, again laid upon the table.

The Senate, as in Committee of the Whole, Mr. Coffroth in the chair, proceeded to the consideration of a bill for An Act making appropriations for the Civil Expenses of Government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854.

The bill was reported back, with sundry amendments, and the Committee discharged.

Mr. Lyons moved that the amendments be concurred in generally.

Mr. Smith moved to amend by considering the amendments *seriatim*.

Agreed to.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th amendments of the Committee on Finance were concurred in.

On concurring in the 9th amendment, the ayes and nays were demanded by Messrs. Sprague, Bryan and Lyons, which resulted as follows:

AYES.

Messrs. Bryan, Catlin, Crenshaw, De La Guerra, Kendall, Leake, Lent, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Tuttle, Wade and Walkup—17.

NAYS.

Messrs. Coffroth, Colby, Hall, Lyons, Sprague and Whiting—6.

Mr. Catlin submitted the following: "Strike out the clause relating to the Salary of the Private Secretary of the Governor."

Upon which the ayes and nays were demanded by Messrs. Tuttle, Sprague and Lyons, which resulted as follows:

AYES.

Messrs. Catlin, Hook, Kurtz, Peck and Sawyer—5.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, De La Guerra, Lent, Lyons, Mahoney, McGarry, Smith, Sprague, Tuttle, Wade and Whiting—14.

Mr. Tuttle moved to amend by striking out from the bill so much as appropriates money for printing, folding, stitching and covering journals, bills, messages, reports, documents, &c., for the State.

The ayes and nays were demanded by Messrs. Tuttle, Whiting and Bryan, and the amendment was adopted by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Lent, Lyons, Mahoney, McGarry, Sawyer, Smith, Sprague, Tuttle, Walkup and Whiting—14.

NAYS.

Messrs. Catlin, Crenshaw, McFarland, Peck and Wade—5.

Mr. Sprague moved to amend by adding to the second section the following:

"And the appropriations by this Act made, shall not directly or indirectly be applied to the payment of any current expenses of government accruing for salaries, clerks, contingent expenses, printing, or any other service performed prior to the first day of February, 1854."

Adopted.

Mr. Sprague moved to reconsider the vote by which the amendment in reference to the printing was adopted.

Mr. Tuttle moved to indefinitely postpone the motion to reconsider.

Lost.

The question being upon the motion to reconsider, the ayes and nays were demanded by Messrs. Sprague, Tuttle and Keene, with the following result:

AYES.

Messrs. Catlin, Crenshaw, Keene, Kendall, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—10.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Lent, Lyons, Mahoney, Moore, McGarry, Smith, Tuttle and Whiting—12.

Mr. Sprague moved to reconsider the vote by which "six thousand four hundred and eighty" was stricken out, and "nine thousand two hundred and thirty" was inserted in the clause relating to the compensation of clerks in the Office of Comptroller of State.

Upon which the ayes and nays were demanded by Messrs. Whiting, Peck and Sprague, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hook, Sprague and Whiting—6.

NAYS.

Messrs. Crenshaw, Keene, Lent, Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—13.

On motion of Mr. Crenshaw, the bill was ordered engrossed for a third reading.

According to previous notice, Mr. Crenshaw introduced a bill for An Act amendatory of the 20th section of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to the delegations from Yuba and Nevada.

Mr. Lent submitted the following:

Resolved, The Assembly concurring, that the Board of State Land Commissioners be instructed not to sell the reversionary interest of the State in the property known as the Government Reserve, unless hereafter specially authorized by the Legislature.

The resolution was laid upon the table.

Mr. Lyons submitted the following:

Resolved, That the Printing Committee be required to report on the various printing bills now before that Committee.

Adopted.

Mr. Colby reported back Assembly Bill for An Act concerning Constables in the City of Sacramento, with amendments recommending its passage.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, March 6, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Saturday was read and approved.

Mr. Coffroth presented petitions in reference to the election of a U. S. Senator during the present session of the Legislature.

Read and referred to the delegation from Tuolumne.

Mr. Leake, Chairman of the Committee on Counties and County Boundaries, reported back Assembly Bill for An Act to organize the County of Plumas out of a portion of the territory of Butte County, recommending its passage.

The report was accepted and laid upon the table.

Mr. Sprague, Chairman of the Committee on Finance, reported back Assembly Bill for An Act to Incorporate the City of Oakland, with an amendment, recommending its passage.

On motion of Hr. Peck, Assembly Bill for An Act to organize the County of Plumas out of a portion of the territory of Butte County, was taken from the table, read a third time and passed.

Mr. Wade submitted the following:

Resolved, That the Sergeant-at-Arms be authorized to purchase the necessary stationery for the Senate which cannot be had from the Secretary of State, to be paid out of the Contingent Fund.

Mr. Stebbins submitted the following substitute:

Resolved, That the Secretary of State be requested to report to the Senate, whether there are any articles of Stationery required for the use of the Senate, of which he is destitute, or which he cannot procure.

The substitute was adopted.

Mr. De La Guerra submitted the following:

Resolved, By the Senate, the Assembly concurring, that a Committee of Three from each House be appointed to examine the proposals to translate the Laws into the Spanish Language, and also the capability of the various applicants.

The resolution was adopted, and,

Messrs. De La Guerra, McFarland and Whiting, were appointed the Committee.

On motion of Mr. Hall, the Annual Report of the Quarter-Master-General was taken up, and referred to the Committee on Military Affairs.

Leave being granted, Mr. Tuttle introduced a bill for An Act in respect to Insurance of Lives for the benefit of Married Women.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Colby moved to take from the table Assembly Bill for An Act concerning Constables in the City of Sacramento.

Agreed to.

Mr. Colby moved that the bill be read a third time.

Upon which the ayes and nays were demanded with the following result:

AYES.

Messrs. Colby, Hagar, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle and Whiting—12.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McGarry, Peck, Sawyer, Smith, Wade and Walkup—21.

On motion of Mr. Coffroth, Assembly Bill for An Act to Incorporate the City of Oakland, was taken from the table.

Mr. Grewell presented petitions from citizens of Alameda County in reference to the bill.

Read and laid upon the table.

Mr. McFarland moved that the bill be laid upon the table.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Lent and McFarland, with the following result:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Gardner, Hook, Hudspeth, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith and Stebbins—16.

NAYS.

Messrs. Coffroth, Grewell, Hagar, Hall, Keene, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle, Wade, Walkup and Whiting—15.

On motion of Mr. Crenshaw, the special order, being a bill for An Act prescribing the time, manner and place of holding Elections for Senators to Congress, was taken up.

Mr. Crenshaw moved that the bill be ordered engrossed for a third reading, to-morrow.

Mr. Lent moved that its consideration be postponed to the 17th day of March.

Mr. Mahoney moved a call of the Senate.

Agreed to.

The roll was called and no Senator found absent.

Mr. McFarland moved to suspend further proceedings under the call.

Agreed to.

Upon the motion to postpone, the ayes and nays were demanded by Messrs. Coffroth, Lent and Crenshaw, with the following result:

AYES.

Messrs, Bryan, Coffroth, Colby, Grewell, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—17.

The Senate being equally divided, the President voted in the affirmative.
On motion of Mr. Lent, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LLND, Secretary.

IN SENATE.

TUESDAY, March 7, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Crenshaw, presented the petition of James Walsh, praying relief for expenses incurred against Indian depredations.

Read and referred to the Committee on Military Affairs.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Assembly Joint Resolutions in relation to creating a new Collection District and establishing the Port of Entry at Humboldt Bay, recommending its passage.

On motion of Mr. Coffroth, the resolutions were read a third time, and passed.

Mr. May, to whom was referred Assembly Bill for An Act to authorize A. H. Murdock and others, to build a wharf at the Town of Union in Humboldt County, reported it back, recommending its passage.

The report was accepted; and,

On motion of Mr. Hagar, the bill was recommitted to the Committee on Corporations.

Mr. Bryan moved to reconsider the vote of yesterday, on Assembly Bill for An Act concerning Constables in the City of Sacramento.

Upon which the ayes and nays were demanded by Messrs. Catlin, Bryan and Lyons, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, Grewell, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle and Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, De La Guerra, Hudspeth, Keene, Leake, Peck, Sawyer, Smith, Wade and Walkup—12.

Mr. Colby moved to lay the bill upon the table.

Agreed to.

Mr. Hagar presented a communication from Eugene Casserly, Esq.

Read and laid upon the table.

Mr. Hagar submitted the following:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee, composed of three from each House, be appointed to examine and settle the accounts of Eugene Casserly, Esq., late State Printer, with power to send for persons and papers.

Adopted; and Messrs. Coffroth, Crabb and Sprague were appointed the Committee.

Mr. Sprague submitted the following:

Resolved, That the Finance Committee be authorized to employ a Clerk for two weeks from this date.

The resolution was adopted.

According to previous notice, Mr. Leake introduced a bill for An Act to fix the time of holding elections of Representatives to Congress.

Read a first and second time.

Mr. Tuttle moved that the bill be referred to the Committee on Federal Relations.

Mr. Leake moved a call of the Senate.

Sustained.

The roll being called, the following Senators were found absent: Messrs. Gardner, Kurtz and McGarry.

Mr. Coffroth moved that further proceedings under the call be dispensed with.

Agreed to.

Upon the motion to refer, the ayes and nays were demanded by Messrs. Tuttle, Lent and Leake, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, Peck, Sawyer, Smith and Walkup—15.

Mr. Leake moved a call of the Senate.

Upon which the ayes and nays were demanded, with the following result:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, Peck, Sawyer, Smith, Wade and Walkup—19.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—14.

The roll being called, Mr. McGarry was found absent.

Mr. McFarland moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Wade moved to reconsider the vote by which the bill was referred to the Committee on Federal Relations.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Lyons and Bryan, which resulted as follows:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Livermore, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—20.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—14.

Mr. Coffroth moved that the bill be referred to the Committee on Counties and County Boundaries.

Upon which the ayes and nays were demanded by Messrs. Bryan, Coffroth and Wade, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—9.

NAYS.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins, Wade and Walkup—25.

Mr. Leake moved that the bill be referred to a Select Committee of five.

Agreed to.

And the following were appointed the Committee: Messrs. Leake, McGarry, Mahoney, Tuttle and Stebbins.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 6, 1854.

To the Senate of California:

I have, this day, approved An Act entitled an Act to authorize the release of John G. Bircham and his Sureties from a Recognizance and Judgment.

JOHN BIGLER.

The following message was received from the Assembly :

Mr. President:

I am directed to inform the Senate that the Assembly refused to concur in the amendment made by the Senate to Assembly Bill, No. 80, An Act to prevent the sale of Firearms and Ammunition to Indians in this State, and have asked for a Committee of Conference.

They have appointed on the part of the Assembly, Messrs. Whipple, Hoyt and Bradford.

Respectfully,

B. McALPIN, Clerk.

Mr. Kurtz moved to appoint a Committee of Conference on the part of the Senate.

Agreed to; and Messrs. Kurtz, Hall and Wade, were appointed the Committee.

Mr. Grewell moved to reconsider the vote by which the consideration of Senate Bill for An Act prescribing the time, manner and place of holding Elections for Senators to Congress, was on yesterday postponed to the 17th of March.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Lyons and Grewell.

Mr. Tuttle moved a call of the Senate.

Agreed to.

The roll was called, and no Senator was found absent.

The question being on the motion to reconsider, it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Sprague, Stebbins, Tuttle and Whiting—15.

Mr. McFarland moved that the bill be ordered engrossed for a third reading on to-morrow.

Agreed to.

A communication was received from Messrs. B. F. Washington, V. E. Geiger and F. A. Snyder.

Read and referred, on motion of Mr. Moore, to the Committee on the Judiciary.

Leave being granted, Mr. Colby introduced a bill for An Act concerning the Collection of Taxes now due in the County of Sacramento.

Read a first, second and third time, and passed.

Mr. Sawyer moved a call of the Senate.

Agreed to.

The roll being called, the following Senators were found absent without leave: Messrs. De La Guerra, Mahoney and May.

Mr. May appeared and was admitted.

Mr. Crabb moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Crabb moved to take up Assembly Bill for An Act to Incorporate the City of Oakland.

Carried.

Mr. McFarland moved that the bill be laid upon the table.

Lost.

Mr. Tuttle moved that the bill be referred to a Select Committee of five with instructions to report on Monday next.

Mr. Grewell moved that the bill be laid upon the table.

Mr. Stebbins moved that the Senate adjourn.

Mr. Catlin moved a call of the Senate.

Which motion the Chair decided to be out of order.

From which decision Mr. Catlin appealed, and the ayes and nays were demanded by Messrs. Catlin, Grewell and McGarry.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Colby, Hagar, Hall, Keene, Kurtz, Lent, Mahoney, Moore, McGarry, Peck, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Kendall, Leake, May, McFarland, Sawyer, Smith and Wade —16.

A call of the Senate was ordered and Mr. Livermore was found absent.

Mr. Livermore appeared at the bar of the Senate and was admitted.

On motion of Mr. Moore, further proceedings under the call were dispensed with.

The question being on the motion to adjourn, the ayes and nays were demanded by Messrs. Leake, Walkup and Kurtz, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

The vote recurring upon the motion of Mr. Grewell to lay upon the table, the ayes and nays were demanded with the following result:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Wade and Walkup—29.

NAYS.

Messrs. Coffroth, Hagar, Lyons, Tuttle and Whiting—5.

Mr. Lent moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Catlin, Wade and Lent, with the following result :

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Crenshaw moved to take up the message from the Assembly, just received. Agreed to; and the following message was read:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, a bill to fix the time of electing United States Senators.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. Crenshaw moved that the bill be rejected.

Mr. Lent moved to postpone the consideration of the bill to the 17th day of March.

Mr. Sprague moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Sprague, Bryan and Livermore, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Lent moved to take a recess for two hours.

Upon which the ayes and nays were demanded by Messrs. Hagar, Lent and Lyons, and was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—19.

The vote recurring upon the motion to postpone to the 17th of March, the ayes and nays were demanded by Messrs. Lent, Lyons and Mahoney, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Mahoney moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Lent, Lyons and Tuttle, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—19.

Mr. Colby moved a call of the Senate.

Upon which the ayes and nays were demanded, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hall, Lent, Livermore, Lyons, Mahoney and Tuttle—9.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Wade, Walkup and Whiting—24.

Mr. Sprague moved to lay the motion to reject upon the table.

Upon which the ayes and nays were demanded by Messrs. Sprague, Colby and Lent, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Whiting moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Whiting, Bryan and Catlin, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Hagar moved that when the Senate adjourn, it adjourn to meet to-morrow, 12 o'clock, M.

Upon which the ayes and nays were demanded by Messrs. Kendall, Leake and Walkup, and the motion was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Smith, Sprague, Stebbins, Tuttle and Whiting—17.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—17.

Mr. Bryan moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Lyons, Lent and Bryan, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Lent moved to postpone the consideration of the bill to the 16th day of March.

Mr. Catlin objected to the motion as out of order.

The Chair decided the motion in order, from which decision Mr. Catlin appealed.

Mr. Coffroth moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs, Coffroth, Lent and Colby, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crabb, Grewell, Hagar, Hall, Hook, Keene, Kendall, Leake, Lent, Livermore, Lyons, Mahoney, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Wade, Walkup and Whiting—23.

NAYS.

Messrs. Catlin, Crenshaw, Hudspeth and Tuttle—4.

The roll was called, and the following Senators were found absent without leave: Messrs. Gardner, Kurtz, Mahoney, May, Moore and Stebbins.

Mr. Gardner appeared at the bar of the Senate and was admitted.

Mr. Kurtz appeared and was admitted.

Mr. Hagar moved that further proceedings under the call be dispensed with. Agreed to.

Mr. Mahoney moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Leake, Kendall and Crabb, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Coffroth, moved that the Senate take a recess for one hour.

Mr. Hagar moved to amend by adjourning until to-morrow, at half-past 10 o'clock.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Leake, and McFarland, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene,

Kendall, Kurtz, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—19.

Mr. Sprague moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Sprague, Hagar and Lent, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Leake moved the previous question.

Sustained.

The question being, "Shall the main question be now put?" it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—17.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Sprague, Stebbins, Tuttle and Whiting—14.

The following vote was had on the appeal from the decision of the Chair; the ayes and nays having been demanded by Messrs. Coffroth, Crenshaw and Leake.

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Smith, Sprague, Stebbins, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—16.

So the decision of the Chair was not sustained.

The vote recurred upon the motion of Mr. Crenshaw to reject the bill, and the ayes and nays were demanded by Messrs. Crenshaw, Crabb and Smith, with the following result:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—17.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Sprague, Stebbins, Tuttle and Whiting—14.

Mr. Tuttle gave notice that he would, on to-morrow, move to reconsider the vote just taken.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, March 8, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Walkup, Chairman of the Committee on Claims, reported a bill for An Act to provide for the Payment of the Official Reporters to the Senate, recommending its passage.
The report was accepted and laid upon the table.
Mr. Smith presented a petition of citizens of Yuba County praying that a portion of that County be added to the County of Sutter.
Read and referred to the Delegations from Yuba and Sutter.

The following special message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 7, 1854.

To the Senate of California:

An Act entitled an Act declaring the consent of the Legislature of the State of California to the purchase, by the United States, of Signor or Mare Island; to relinquish the Title and Interest of the State in Overflowed portions of said Island, and to vest the Jurisdiction over the same in the United States, for the purposes therein specified, is herewith returned without my approval.

Since the presentation of the Act for approval, information of such a character has been communicated to me, that I deem it my duty to return the same to the House in which it originated, with the reasons which have induced this course.

In pursuing a liberal policy toward the Federal Government, and one which should always characterize the action of a sovereign State when not inconsistent with her duty to her own citizens, you have not hesitated in granting valuable lands to the General Government. But, from the information above alluded to, it appears that the real facts of the case have not heretofore been brought to light, and the Legislature has, consequently, labored under some misapprehension. If this information be correct, the effect of the bill, should it become a law, will be—first: to divest the State of all right or title to the overflowed portions of Signor or Mare Island;—second: to compel the United States to expend some eighty-two thousand dollars out of the Public Treasury, in payment for the same;—and, third: to place that amount in the hands of private individuals, who have not, and never could have had, even the shadow of title to the property donated by the bill.

The General Government, as I have been informed on reliable authority, has paid to private individuals who were supposed to have held a title to the Island, the sum of eighty-two thousand dollars, taking in receipt therefor a good and sufficient bond, conditioned, that the said persons should make to the United States a valid title to the same. Subsequently, however, it was ascertained that the title to the high lands of Mare Island was probably in the United States, and to the overflowed portions, in the State of California.

Instead, therefore, of donating to the General Government valuable property, the State of California, by this Act, would be granting the same to private individuals, and not only receiving nothing in payment therefor, but actually compelling the United States to pay from the National Treasury a large sum to persons, without any real or plausible claim, either upon the General or State Government.

I, therefore, deem it my duty to return the bill to the Senate where it originated, with the recommendation that it be reconsidered, and a Committee appointed to investigate the facts, and report the same at an early day.

It is proper here to state, that I do not feel authorized in this communication to enter further into particulars, which will more properly engage the attention of your Committee, should one be appointed, and clothed with power to send for persons and papers.

JOHN BIGLER.

Mr. Sprague moved to refer the message and bill to a Select Committee of five.

Agreed to.

Messrs. Sprague, Tuttle, Whiting, Smith and Moore were appointed the Committee.

Mr. Mahoney moved that the Committee be authorized to send for persons and papers.

Carried.

The following special message, with a communication from the Attorney-General, was also received from the Governor:

Executive Department,
Sacramento City, March 7, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of a communication, received this morning from the Hon. J. R. McConnell, Attorney-General of the State, in relation to the property known as the Leidesdorff Estate.

The subject is one of great importance to the State, and ought to receive the immediate attention of the Legislature.

The Attorney-General has given the questions involved, careful consideration, and will in a few days institute proceedings for the recovery of the property.

The suggestions of the Attorney-General are all-important, and I trust that the legislation necessary to secure the "interest of the State in the accruing rents of the property," as well as a vigorous prosecution of the case, will be perfected with as little delay as practicable.

The proceeds of this valuable estate, if recovered, it is proper here to state, by the Constitution are set apart for the education of the children of the State.

JOHN BIGLER.

Mr. Crenshaw moved that the message and communication be referred to the Committee on the Judiciary.

Agreed to.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed, An Act making appropriations for the Civil Expenses of Government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854.

On motion of Mr. Sprague, the bill was read a third time and passed.

Mr. Lent submitted the following:

Resolved, By the Senate and Assembly, that the Board of State Land Commissioners be instructed not to sell, until otherwise directed by the Legislature, the reversionary interest of the State in the water lot property in the City of San Francisco, known as the property relinquished on certain conditions to the City of San Francisco, by the Act entitled an Act in relation to the City of San Francisco, passed May 1, 1851.

Read a first and second time, and, objection being made to the third reading, it was laid over under the rule.

Mr. Coffroth submitted the following report from a Committee of Conference:

Mr. President:

The Committee of Conference, to whom was referred Joint Resolutions in relation to Mail Service, respectfully report, that the Assembly shall recede from

their opposition to both amendments in dispute, and that of the Senate will agree to strike out in the fourth amendment the words "in lieu of" and insert "in addition to."

JAS. W. COFFROTH,
Chairman Senate Committee.

W. W. STOWE,
Chairman Assembly Committee.

Mr. Hagar presented the petition of John S. Hittell for the suppression of Mock Auctions.

Read and referred to the Committe on Commerce and Navigation.

According to previous notice, Mr. Moore introduced a bill for An Act to re-incorporate the City of San Francisco.

Read a first and second time, and referred to the Delegation from San Francisco.

Mr. Leake moved that the Committee on Engrossed Bills be requested to report to the Senate a bill for An Act prescribing the time, manner and place of electing Senators to Congress.

Mr. McFarland moved a call of the Senate.

Agreed to.

The roll being called, the following Senators were found absent without leave: Messrs. De La Guerra, Hall, Hook, Lent, Livermore and Smith.

Mr. Hall appeared and was admitted.

Mr. Lyons moved that further proceedings under the call be dispensed with. Lost.

Mr. De La Guerra appeared and was admitted.

On motion of Mr. McFarland, further proceedings under the call were dispensed with.

Mr. Mahoney submitted the following:

Resolved, That the Committee on Engrossed Bills be requested to report at 1 o'clock, P. M. on Thursday, March 9.

Mr. Sawyer moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Crabb, Leake and Crenshaw, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sawyer, Sprague, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Wade and Walkup—16

The Senate being equally divided, the President voted in the affirmative, and the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, March 9, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hall, Chairman of the Committee on Military Affairs, submitted the following report:

Mr. President:

The Committee on Military Affairs, to whom was referred a memorial from James Walsh, asking compensation for expenses incurred in suppressing Indian difficulties in the County of Nevada within this State, in the year 1850, submit to the Senate, that the memorialist acted upon his individual responsibility, and assumed to prosecute a war within this State, without the knowledge or authority of those, who, by our Constitution and Laws, have a legal right to conduct or declare war. That in assuming to prosecute a war within this State, without the knowledge and consent of the Constitutional Authorities, and in violation of law, said memorialist can have no legal demand against this State for pecuniary compensation. That your Committee believe, the emergency under which said memorialist acted, was urgent, and that protection to life and property, justified the citizens of Nevada in prosecuting hostilities against the Indians, and that the loss of time and money thereby incurred, establishes an equitable demand against the Federal Government.

Your Committee, therefore, recommend the passage of the accompanying resolution.

G. D. HALL,
Chairman.

J. H. WADE,
B. C. WHITING.

The following resolution was read:

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested to present to the Congress of the United States the claim, and endeavor to secure compensation to James Walsh, for services and expenses incurred in the suppression of Indian hostilities within this State, in the year 1850.

On motion of Mr. Lyons, the resolution was laid upon the table.

Mr. Keene, Chairman of the Committee on Public Lands, to whom was referred Joint Resolutions in reference to the Board of Land Commissioners hold-

ing a session at the City of Los Angeles, report the same back recommending their passage.

The report was accepted and laid upon the table.

The following report was made from the Committee on Engrossed Bills.

Mr. President:

The Committee on Engrossed Bills respectfully report, that they have examined Senate Bill, No. 11, entitled An Act prescribing the time, manner and place of holding Elections for Senators to Congress, and find the same correctly engrossed.

Respectfully submitted,

CHAS. A. TUTTLE,
Chairman.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back the special message and correspondence of the Governor in reference to the Estates of Deceased Foreigners, with a bill for An Act to amend the fifty-second section of an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851, recommending its passage.

The report was accepted, and the bill was read a first and second time, and referred to the Committee on the Judiciary, and the usual number of copies were ordered printed.

Mr. Sawyer, from the Committee on Engrossed Bills, presented the following report:

Mr. President:

The Committee on Engrossed Bills would respectfully report, that they have examined Senate Bill, No. 47, entitled An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1854, and find the same correctly engrossed.

Respectfully submitted,

E. D. SAWYER,
Of Committee.

The report was accepted and laid upon the table.

Mr. Leake, Chairman of the Committee on Counties and County Boundaries, reported back a bill for An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Mr. Sawyer moved to amend the thirteenth section by striking out the words "the town of Double Springs," and insert "Mokelumne Hill."

Adopted.

On motion of Mr. Hook, the bill was considered engrossed, and read a third and passed.

A communication was received from the Secretary of State relative to the supply of Stationery for the use of the Senate.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 54, An Act supplementary to an Act to Fund the Debt of the County of Yuba, and provide for the payment thereof, passed May 3, 1852; they, also, passed,

Senate Concurrent Resolution, appointing a Joint Committee to examine proposals to translate the Laws into the Spanish Language, and have appointed on the part of the House, Messrs. Hubert, Nichols and Carr.

Respectfully,

B. McALPIN, Clerk.

The following message was also received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 79, for An Act concerning the collection of Taxes now due in the County of Sacramento.

Respectfully,

B. McALPIN, Clerk.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrolled Bills, have examined and find correctly enrolled, Assembly Joint Resolution in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay; also,

Concurrent Resolution, granting leave of absence to Hon. Delos Lake; also,

An Act fixing the time holding the several Courts of Alameda County; also,

An Act to abolish the Board of Supervisors in and for the County of Santa Clara.

S. B. SMITH,
Chairman.

Mr. Crenshaw moved to take from the table a bill for An Act prescribing the time, manner and place of holding elections for Senators to Congress.

Agreed to.

Mr. Sprague moved a call of the Senate.

Carried; and the roll being called, Mr. Stebbins was found absent without leave.

On motion of Mr. Sawyer, further proceedings under the call were dispensed with.

Mr. Wade moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent without leave: Messrs. Catlin, De La Guerra, Kurtz, May, McFarland and Smith.

Messrs. Catlin and Smith appeared and were admitted.

On motion of Mr. Lent, further proceedings under the call were dispensed with.

Mr. Moore moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Leake, Crenshaw and Crabb, and resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—18.

Mr. Crenshaw moved the indefinite postponement of the bill and the whole subject matter.

Upon which the ayes and nays were demanded by Messrs. Wade, McFarland and McGarry, with the following result:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Wade and Walkup—19.

NAYS.

Messrs Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney and Moore—12.

Mr. Catlin gave notice that, on to-morrow, he would move a reconsideration of the vote just had.

Mr. Tuttle asked leave to have his vote changed, on the motion by which Assembly Bill for An Act fixing the time of electing United States Senators, was rejected.

Consent was given.

On motion of Mr. Coffroth, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, March 10, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Senate Bill for An Act to authorize the Construction of a Wharf at the Pulgas Rancho, in the County of San Francisco, recommending its passage.

The report was accepted and laid upon the table.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back a resolution in relation to the accounts of Eugene Casserly, Esq., late State Printer, with the recommendation that it be referred to a Joint Committee appointed for the purpose of examining the same subject, which was concurred in by the Senate, and the resolution was so referred.

Mr. Keene, Chairman of the Committee on Public Lands, reported back a bill for An Act to provide for the distribution and sale of Town Lots on Public Lands in this State, recommending it to the favorable consideration of the Senate.

The report was accepted and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Concurrent Resolution to appoint a Joint Committee of three from each House, to examine and settle the accounts of Eugene Casserly, Esq., late State Printer, with power to send for persons and papers, and appointed on their part, Messrs. Tallmadge, Stowe and Bagley.

They, also, passed Senate Bill, No. 59, An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. McFarland gave notice that he would introduce a bill for An Act for the relief of the Los Angeles Rangers.

Senate Joint Resolution of Instruction to Board of State Land Commissioners, Considered, and again laid upon the table.

Mr. Tuttle submitted the following:

Resolved, That the Comptroller be directed to draw his warrant, and the Treasurer pay out of the Contingend Fund of the Senate, to W. H. Harvey, Sergeant-

at-Arms of the Senate, the sum of seven hundred and thirty dollars in full for services, for expenses incurred, and services performed in subpenaing witnesses, in the cases of the alleged attempt to bribe Senator Peck, and the investigation of the election of 1851.

The resolution was adopted.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, a Concurrent Resolution, which is herewith presented, instructing the Attorney-General to take legal proceedings against the late Surveyor-General.

Respectfully,

B. McALPIN, Clerk.

The resolution was read; and,
On motion of Mr. Hall, laid upon the table.

Senate Bill for An Act to provide for the payment of the Official Reporters to the Senate.

Read a first and second time.

Mr. Coffroth moved to recommit to the Committee on Claims, with instructions to fix the compensation of the Official Reporters at $75 per diem.

Upon which the ayes and nays were demanded by Messrs. Walkup, Tuttle and Coffroth, which resulted as follows:

AYES.

Messrs. Bryan, Catlin, Coffroth, Crabb, Grewell, Hall, Keene, Kendall, Kurtz, Leake, Mahoney, May, Moore, McFarland, McGarry, Smith, Sprague and Wade—18.

NAYS.

Messrs. Hagar, Hook, Sawyer and Walkup—4.

Mr. Smith, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled, An Act concerning the Collection of Taxes now due in the County of Sacramento.

Mr. Colby submitted the following:

Whereas, The Senate has been greatly disturbed in its deliberations ever since its removal to this place, by a band of music attached to a circus near the capitol; *Therefore, be it*

Resolved, That a Committee of three be appointed to consult with the Common Council of the City of Sacramento, upon suitable measures to remove this annoyance without the hearing of the Senate Chamber, and report to the Senate their action in the premises.

On motion of Mr. Catlin, the resolution was laid upon the table.

Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the City of Los Angeles.

Read a third time and passed.

According to previous notice, Mr. Catlin moved to reconsider the vote of yesterday, by which a bill for An Act prescribing the time, manner, and place of holding elections for Senators to Congress, and the whole subject matter, was indefinitely postponed.

Mr. Moore moved that the motion lie upon the table.

Mr. Catlin moved a call of the Senate.

Agreed to; and the following Senators were found absent without leave: Messrs. De La Guerra, Lent, Livermore and Stebbins.

Mr. Livermore appeared and was admitted.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

The ayes and nays were demanded by Messrs. Walker, Hook and McFarland, with the following result:

AYES.

Messrs. Coffroth, Colby, Hagar, Hall, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—11.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Sawyer, Smith, Wade and Walkup—19.

The following report from the Committee on Enrolled Bills was submitted by Mr. Smith, the Chairman:

Mr. President:

The Committee on Enrolled Bills report, that they, this 10th day of February, delivered to the Governor for his approval, the following Acts and Resolution:

An Act fixing the time of holding the several Courts of Alameda County;

An Act to abolish the Board of Supervisors in and for the County of Santa Clara;

An Act concerning the Collection of Taxes now due in the County of Sacramento; and,

A Joint Resolution in relation to creating a new Collection District and establishing the Port of Entry at Humboldt Bay.

SAM. B. SMITH,
Chairman.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 10, 1854.

To the Senate of California:

I have, this day, approved An Act entitled an Act concerning the Collection of Taxes now due in the County of Sacramento.

JOHN BIGLER.

Mr. Kendall moved the previous question.

Mr. Sprague rose to a point of order—that, between the moving of the previous question and the seconding of the same, the motion was debatable.

The Chair decided that debate was out of order, from which decision Mr. Sprague appealed.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded, and the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Sawyer, Wade, Walkup and Whiting—19.

NAYS.

Messrs. Catlin, Colby, Hagar, Hall, Mahoney and Sprague—5.

The previous question was seconded, and the question being "Shall the main question be now put?" the ayes and nays were demanded by Messrs. Crabb, Crenshaw and Kendall, with the following result:

AYES.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Sawyer, Wade and Walkup—17.

NAYS.

Messrs. Bryan, Coffroth, Hagar, Hall, Kurtz, Mahoney, Moore, Sprague, Tuttle and Whiting—10.

The question recurring upon the motion to reconsider, the ayes and nays were demanded by Messrs. Crenshaw, Crabb and Kendall, and the motion was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Mahoney, Moore and Whiting—11.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Sawyer, Sprague, Wade and Walkup—17.

On motion of Mr. Whiting, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Saturday, March 11, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act to provide for the payment of the Official Reporters to the Senate, with amendments, as instructed by the Senate on yesterday.

The report was accepted and laid on the table.

Mr. Kendall, Chairman of the Committee on State Hospitals, reported back a bill for An Act to authorize the Court of Sessions of the Counties of San Joaquin and Tuolumne, to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said Counties, recommending its passage.

The bill was read a third time and passed.

Leave being granted, Mr. Bryan introduced a bill for An Act to authorize Rafael Schoyer to build a Wharf at the end of Howard Street, San Francisco.

Read first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Grewell, Assembly Bill for An Act to incorporate the City of Oakland, was taken from the table, considered in Committtee of the Whole, Mr. Wade in the chair.

After some time spent in consideration of the bill the Committee rose and reported it back without amendment, and were discharged.

Mr. Tuttle submitted the following substitute for section 20:

SEC. 20. The first Monday after the passage of this Act it shall be the duty of the County Judge of Alameda County to order a special election, to be held in the town of Oakland on the first Monday following such order, at which election the qualified electors of said town may cast their ballots, for or against the receipt of this charter; and if a majority of said ballots so cast are "for the charter," then this Act shall become a law; but if a majority of said ballots are "against the charter," then this Act shall not go into effect, but the present charter of the town of Oakland shall be and remain in full force.

Upon the adoption of the substitute the ayes and nays were demanded by Messrs. Tuttle, Smith and Colby, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Livermore, Mahoney, McFarland, Sprague, Tuttle, Wade and Whiting—10.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Kendall, Leake, Sawyer and Walkup—10.

Mr. Sprague moved the adoption of the following:

Strike out sections 19 and 20, and insert as section 19:

SEC. 19. The Act entitled an Act to incorporate the town of Oakland and to provide for the construction of Wharves thereat, approved May 4, 1852, is hereby repealed; such repeal to take effect and be in force from and after the election and qualification of the Officers of the City of Oakland as hereinbefore provided.

The ayes and nays were demanded by Messrs. Sprague, Catlin and Grewell, which resulted as follows:

AYES.

Messrs. Colby, Keene, Livermore, McFarland, Sprague, Tuttle, Wade and Whiting—8.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kendall, Leake, May, Sawyer and Walkup—13.

Mr. Colby submitted the following amendment: Strike out all after the word "repealed" in section 19.

Mr. Grewell moved the previous question.

Not sustained.

The ayes and nays were demanded on the amendment by Messrs. Whiting, Colby and Sprague, which resulted as follows:

AYES.

Messrs. Colby, McFarland, Sprague, Tuttle, Wade and Whiting—6.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kendall, Leake, May, McGarry, Sawyer and Walkup—14.

Mr. Grewell demanded the previous question, which was seconded; and the question being "Shall the main question be now put?"

The ayes and nays were demanded by Messrs. Whiting, McGarry and Sprague, with the following result:

AYES.

Messrs. Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Sawyer and Wade—15.

NAYS.

Messrs. Bryan, Colby, Sprague, Tuttle, Walkup and Whiting—6.

The bill was then read a third time, and the ayes and nays were demanded on its passage by Messrs. Grewell, Bryan and Crabb, which resulted as follows:

AYES.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Sawyer, Wade and Whiting—15.

NAYS.

Messrs. Bryan, Colby, Sprague, Tuttle and Walkup—5.

Mr. Sprague moved to amend the title by adding the words "and repeal the charter of the Town of Oakland."

Lost.

Mr. Coffroth moved that the Sergeant-at-Arms have leave of absence to Wednesday next.

Granted.

Mr. Whiting asked and obtained leave of absence for two days for Mr. Kurtz.

On motion of Mr. Catlin, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, March 13, 1854.

Senate met pursuant to adjournment.
The President *pro tem.* in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of Saturday was read and approved.

Mr. Bryan submitted certain amendments to the Constitution.
Read a first and second time, and referred to the Committee on the Judiciary, and the usual number of copies were ordered printed.

The following message was received from the Assembly :

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, a Concurrent Resolution, which is herewith presented, appointing a Joint Committee to consider and report amendments to the Constitution of this State; and they have appointed on their part Messrs. Bradford, James, Watkins and O'Neil.

B. McALPIN, Clerk.

The following resolution of the Assembly was read:

Resolved, By the Assembly, the Senate concurring, that a Joint Select Committee of four from the Assembly, and three from the Senate be appointed to consider and report amendments to the Constitution of this State.

The resolution was adopted, and the following were appointed the Committee: Messrs. Coffroth, Bryan and Wade.

A bill for An Act to provide for the payment of the Official Reporters to the Senate, was taken up; and,

On motion of Mr. Coffroth, laid, temporarily, on the table.

The consideration of the bill was resumed, and,

On motion of Mr. Coffroth, the amendments were concurred in and the bill considered engrossed, read a third time and passed.

On motion of Mr. Keene, a bill for An Act to provide for the distribution and sale of Town Lots on Public Lands in this State, was considered in Committee of the Whole, Mr. Lent in the chair.

The bill was reported black, and leave granted the Committee to sit again.

A bill for An Act to authorize the Construction of a Wharf at the Pulgas Rancho in the County of San Francisco was,

On motion of Mr. Coffroth, recommitted to the Committee on Commerce and Navigation, with instructions to report a general bill.

Mr. Crenshaw, from the Committee on Enrolled Bills, reported as correctly enrolled An Act supplementary to an Act to Fund the Debt of the County of Yuba and provide for the payment thereof, passed May 3, 1852.

Joint Resolution of instruction to the Board of State Land Commissioners, was laid upon the table.

A resolution in relation to the Circus Band, was taken up and referred to the Sacramento Delegation.

Senate Bill for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850, was taken up.

Mr. Sprague moved to concur in the amendments of the Committee on Finance.

Agreed to; and, the bill was ordered to be engrossed for a third reading.

On motion of Mr. Sawyer, Senate Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice and Judicial Officers, passed May 19, 1853, was taken from the table, and recommitted to the Judiciary Committee, with instructions.

Mr. Whiting asked and obtained leave of absence for two days.

Mr. Sprague gave notice, that he would, on to-morrow, introduce a bill for An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, and to repeal An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Mr. Tuttle moved that the Committee on the Judiciary be instructed to report on Friday next, a bill for An Act to exempt Mining Claims from forced sale in certain cases.

Agreed to.

On motion of Mr. McFarland, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

TUESDAY, March 14, 1854.

Senate met pursuant to adjournment.
President *pro tem.*, in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hall presented a petition from citizens of El Dorado relating to the County Seat of said County.
Read and referred to the Delegation from El Dorado County.

Mr. Crenshaw submitted the following report from the Committee on Enrolled Bills:

Mr. President:

The Committee on Enrolled Bills have examined and find correctly enrolled, Assembly Joint Resolutions in reference to the Board of Land Commsssioners holding a session at the City of Los Angeles; and,
Assembly Joint Resolution in favor of additional Mail Facilities between California and Oregon.

JNO. T. CRENSHAW,
Of Committee.

Mr. Crenshaw, Chairman of the Committee on Corporations, reported back a bill for An Act concerning Corporations, for establishing Rural Cemeteries, recommending its passage.
The report was accepted and laid upon the table.
According to previous notice, Mr. Sprague introduced a bill for An Act defining the legal distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.
Read a first and second time; and,
On motion of Mr. Crabb, referred to the Committee on Mileage.

Mr. Wade submitted the following:

Resolved, That the Secretary of State be directed to procure a suitable stove and pipe for the use of the Senate Chamber.

The resolution was adopted.
On motion of Mr. Wade, Senate Bill for An Act to provide for the distribution and sale of Town Lots on Public Lands in this State, was considered in Committee of the Whole, Mr. Walkup in the chair.

After some time spent in consideration of the bill, it was reported back, and leave asked to sit again.

Leave was granted; and, on motion of Mr. Keene, it was made the special order for to-morrow, 1 oclock.

Mr. Sprague submitted the following:

Resolved, The Assembly concurring, that the Board of Examiners appointed by law to settle the claims against the State of California, for services rendered and expenses incurred in the several expeditions against hostile Indians, be, and they are hereby required, without delay, to prepare and transmit to the Governor a statement exhibiting the several amounts paid—for what paid—when paid—and to whom paid—exhibiting, separately, the expenses of each expedition.

Resolved, That His Excellency, the Governor, be, and he is hereby requested to transmit copies of said statement, properly authenticated, to each of our Senator and Representatives in Congress.

The resolutions were adopted.

Mr. Hook submitted the following:

Resolved, That the Secretary of State be, and he is hereby requested, to procure a suitable clock for the use of the Senate Chamber.

The resolution was adopted.

Mr. Sawyer submitted the following:

Resolved, That the Standing Committees of the Senate be requested to report on all bills and subjects now before them, on or before the 1st day of April next, or, sooner, if practicable.

The resolution was adopted.

Mr. Tuttle submitted the following:

Resolved, That the Committee on Mileage be instructed to report the mileage due Senators, for travel from Benicia to Sacramento, on the removal of the Capital.

The resolution was adopted.

The following message was received from the Assembly:

Mr. President:

I am directed by the Assembly to inform the Senate, that the Assembly passed March 10, Assembly Bill, No. 145, for An Act to extend an Act for the Protection of Game to the County of Colusi; and,

On yesterday, Assembly Bill, No. 151, for An Act to abolish the Board of Supervisors in and for the County of Marin.

B. McALPIN, Clerk.

By J. W. SCOBY, Ass't Clerk.

Assembly Bill for An Act to extend an Act for the Protection of Game to the County of Colusi.

Read a first, second and third time, and passed.

Assembly Bill for An Act to abolish the Board of Supervisors in and for the County of Marin.

Read a first, second and third time, and passed.

Mr. Crabb moved that the Senate adjourn.

Lost.

Mr. Bryan moved that the Senate adjourn.

Agreed to.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary

IN SENATE.

WEDNESDAY, March 15, 1854.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hook presented a petition from citizens of El Dorado County, requesting the matter of location of the County Seat be referred to the people.

Read and referred to the El Dorado Delegation.

Mr. Kendall asked and obtained leave of absence for Mr. Leake for one day.

Mr. Whiting asked and obtained leave of absence for Mr. Tucker, the Engrossing Clerk of the Senate, for two days.

Mr May moved to reconsider the vote of yesterday, making a bill for An Act to provide for the distribution and sale of Town Lots on Public Lands in this State, the special order for 1 o'clock to-day.

Agreed to.

Mr. May moved that the bill be indefinitely postponed.

Carried.

Leave being granted, Mr. Colby introduced a bill for An Act to amend an Act entitled an Act to authorize the Treasurer of State to make Special Deposits, passed May 4, 1852.

Read a first and second time; and,

On motion of Mr. Lyons, referred to the Committee on Finance.

The following message was received from the Assembly :

Mr. President :

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Concurrent Resolution, directing the Board of Examiners of War Claims to prepare statement of claims audited.

They, also, passed a Concurrent Resolution to go into the election of Physicians for the Insane Asylum at Stockton, and two Visiting Physicians for the State Marine Hospital at San Francisco.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. Catlin submitted the following:

Resolved, That the Treasurer of State is hereby requested to furnish the Senate with a statement of the amount of public moneys deposited with any Banking House or Houses; and, also, to furnish the Senate with such information as he may have, relative to the non-payment of the interest due on the 1st of January last, in New York, upon the bonds of the State of California.

Adopted.

Assembly Concurrent Resolution to go into Convention to elect Physicians to the Insane Asylum and the State Marine Hospital, was taken up.

Mr. Keene moved that the Senate adjourn.

Lost.

Mr. Sprague moved to strike out all that portion of the resolution referring to the Insane Asylum.

Mr. McFarland moved a call of the Senate.

Lost.

On motion the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, March 16, 1854.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Hagar presented a memorial from the Fund Commissioners of San Francisco.

Read and referred to the Delegation from San Francisco.

Mr. Hagar presented the petition of Wm. Meyer praying a change of name.

Read and laid upon the table.

Mr. May presented petitions from citizens of Klamath County, recommending that leave of absence from the State be granted to Edward P. Fletcher, County Judge of said County.

Read and referred to the Committee on the Judiciary.

Mr. Crabb, of the Judiciary Committee, reported back Assembly Bill for An Act to abolish the Board of Supervisors in the County of Contra Costa, recommending its passage.

The report was accepted and laid upon the table.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 15, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of a report of Hon. J. W. Denver, Secretary of State, in relation to the State Library.

JOHN BIGLER.

The message and report were read; and,

On motion of Mr. Keene, referred to the Committee on State Library.

Mr. Colby presented a petition of James S. Martin, M. D., for relief for services rendered the Indigent Sick in the years 1849 and '50.

Read; and,

On motion of Mr. McFarland, referred to the Committee on Claims.

Leave being granted, Mr. Hagar introduced a bill for An Act to change the name of William Meyer to William Meyer Elton.

Read a first and second time, and referred, with the petition, to the Committee on the Judiciary.

The unfinished business of yesterday, (a Concurrent Resolution of the Assem-

bly to go into Convention to elect Physicians to the Insane Asylum and State Marine Hospital,) was taken from the table.

The motion of Mr. Sprague to strike out all that portion of the resolution referring to the Insane Asylum was lost.

Mr. Sawyer moved to amend by inserting "five trustees" between the words "Physician and for" in the eighth line, and the same words after the word "Physicians," in the eleventh line.

Agreed to.

Mr. Tuttle moved to add the words—"and a Quarter-Master-General."

Agreed to.

Mr. Keene moved to lay the resolution on the table.

Lost.

Mr. Hagar moved to postpone the consideration of the resolution to Thursday next.

Upon which the ayes and nays were demanded by Messrs. Hagar, McFarland and Keene, with the following result:

AYES.

Messrs. Hagar, Keene, Kendall, Moore, McGarry, Smith, Sprague and Whiting—8.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hall, Hook, Hudspeth, Kurtz, Leake, Lyons, May, McFarland, Peck, Sawyer, Stebbins, Tuttle, Wade and Walkup—22.

The vote recurring upon the passage of the resolution, the ayes and nays were demanded by Messrs. Hagar, Whiting and Keene, which was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hall, Hook, Hudspeth, Kurtz, May, McFarland, Peck, Sawyer, Stebbins, Tuttle, Wade and Walkup—20.

NAYS.

Messrs. Hagar, Keene, Kendall, Leake, Mahoney, Moore, McGarry, Smith, Sprague and Whiting—10.

Mr. Keene asked leave to withdraw from the Committee on Finance.

Granted; and Mr. Lent was substituted.

Leave being granted, Mr. Keene introduced a bill for An Act to provide for reporting the decisions of the Supreme Court.

Read a first and second time, and referred to the Committee on the Judiciary.

According to previous notice, Mr. Sprague introduced a bill for An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16th, 1850; and to repeal An Act entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Read a first and second time, and referred to the Committee on the Judiciary.

On motion of Mr. Hagar, a bill for An Act relative to transferring Actions and Proceedings from one Court to another Court.

Taken up, and ordered to be engrossed for a third reading.

On motion of Mr. Crabb, Assembly Bill for An Act to abolish the Board of Supervisors in the County of Contra Costa.

Taken up, read a third time and passed.

Mr. Whiting gave notice that he would, at an early day, introduce a bill to authorize Isaac E. Davis and A. P. Jordan to Construct a Wharf at Santa Cruz upon the Bay of Monterey, and release the interest of the State to certain overflowed lands adjoining to, and for the use of said wharf.

Leave being granted, Mr. Tuttle introduced a bill for An Act to authorize Members of the Legislature to purchase, each, a volume of the compiled Laws of the State of California.

Read a first and second time, and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 52, An Act to Amend an Act entitled an Act concerning Officers, passed April 28, 1851, have amended the same as therein shown;

They, also, passed Assembly Bill, No. 161, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Respectfully,

B. McALPIN, Clerk.

Senate Bill for An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Taken up, and the amendment of the Assembly concurred in.

Assembly Bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Read a first and second time; and,

On motion of Mr. Tuttle, referred to the Delegations from Calaveras and Placer Counties.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 27, An Act to fix the sessions of the Supreme Court at the Capital of the State, and have amended the same as therein shown.

Respectfully,

B. McALPIN, Clerk.

Senate Bill for An Act to fix the sessions of the Supreme Court at the Capital of the State.

Taken up, and the amendment of the Assembly concurred in.

Senate Bill for An Act concerning Corporations for Establishing Rural Cemeteries, was taken up.

Mr. Sprague moved to strike out the eighth section.

Mr. Crabb moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Smith and Whiting, and it was decided in the negative by the following vote:

AYES.

Messrs. Crabb, Gardner, Grewell, Hagar, Kendall, Kurtz, May, Moore, McGarry, Smith, Stebbins, Wade and Whiting—13.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, De La Guerra, Hall, Hook, Hudspeth, Mahoney, McFarland, Peck, Sawyer, Sprague, Tuttle and Walkup —16.

Mr. Crabb moved that the bill lie upon the table.

Agreed to.

Mr. Colby presented the account of Mr. C. W. Hall for relief for services rendered Immigrants in 1850.

Referred to the Committee on Claims.

Mr. Coffroth moved the Judiciary Committee be requested to report back, forthwith, the proposed amendments to the Constitution.

Agreed to.

Mr Hagar, Chairman of the Committee on the Judiciary, reported back the proposed amendments to the Constitution which had been referred to that Committee.

On motion of Mr. Coffroth, the amendments were referred to the Joint Select Committee appointed to consider the subject.

On motion of Mr. Coffroth, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Friday, March 17, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hook presented a petition of citizens of El Dorado County, adverse to a removal of the County Seat by the Legislature, or to leave the matter to the people.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back Senate Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, amended according to the instructions of the Senate; also,

An Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies, recommending its passage; and,

An Assembly Joint Resolution, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County, recommending that it be indefinitely postponed.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined, and find correctly engrossed the following Act:

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

CHAS. A. TUTTLE,
Chairman.

On motion of Mr. Tuttle, the bill for An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Read a third time and passed.

Mr. Sawyer submitted the following report from the Committee on Mileage:

Mr. President:

The Committee, to whom was referred Senate Bill, No. 84, after having the same under consideration, recommend the following amendment, to wit: in the second section, fourth page and fifth line, after the word "Stockton," strike out the figures "210," and insert "90."

From the great difficulty of ascertaining correct distances, your Committee has not been able to satisfy themselves relative to the minute accuracy of the bill; but, believing that it has been gotten up with great care, and, in the main, correct, report the same back, and recommend its passage.

E. D. SAWYER,
Of Committee.
J. H. WADE,
H. G. LIVERMORE.

The report was accepted and laid upon the table.

Mr. Crenshaw, of the Select Committee, to whom was referred the bill for An Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851, reported the same back without amendment, recommending its passage.

The report was accepted and laid upon the table.

Mr. Colby submitted the following report:

Mr. President:

The Special Committee, to whom was referred the bill for the erection of a Jail in Sacramento County, report back the same, and recommend its passage.

G. W. COLBY,
A. P. CATLIN.

On motion of Mr. Colby, the bill was considered engrossed, read a third time and passed.

The following message was received from the Governor, transmitting a communication from the Treasurer of State:

EXECUTIVE DEPARTMENT,
Sacramento City, March 17, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of a communication, received on the 16th inst., from Hon. S. A. McMeans, State Treasurer, suggesting amendments to An Act entitled an Act supplementary to an Act to Fund the Debt of the State, approved May 4, 1852.

The suggestions of the Treasurer of State are important, and deserving of immediate and favorable consideration.

JOHN BIGLER.

The message and communication were read and referred to the Committee on Finance.

Mr. Bryan submitted the following report:

Mr. President:

A portion of the Select Committee, to whom was referred Senate Bill, No. 74, An Act amendatory of the twentieth section of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, report the same back, recommending its indefinite postponement.

Leave being granted, Mr. Kurtz iutroduced a bill for An Act granting to the Town of San Diego, certain property covered with water, and to define the Water Front thereof.

Read a first and second time, and referred to the Committee on Commerce and Navigation, and the usual number of copies were ordered printed.

Mr. Sprague moved to take from the table, Senate Bill for An Act defining the Legal Distances from each County Seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.

Agreed to.

The amendment of the Committee was concurred in; and,

On motion of Mr. Sprague, the bill was ordered engrossed for a third reading.

Mr. Hagar moved to take from the table a Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Agreed to.

The amendments were concurred in, and the bill was ordered engrossed for a third reading.

Mr. Bryan moved to take from the table Senate Bill for An Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Agreed to.

Mr. Bryan moved that the bill be indefinitely postponed.

Upon which the ayes and nays were demanded by Messrs. Lyons, Bryan and Keene, with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Hook, Lent, Livermore, Mahoney, Moore, Peck, Smith, Sprague, Stebbins, Tuttle and Whiting—16.

NAYS.

Messrs. Crabb, Crenshaw, Keene, Kendall, Lyons, May, McFarland, Sawyer, Wade and Walkup—10.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled the following:

An Act to abolish the Board of Supervisors in and for the County of Marin;

An Act to extend an Act for the Protection of Game to the County of Colusi; and,

An Act to Incorporate the City of Oakland.

SAM. B. SMITH,
Chairman.

Mr. Walkup submitted the following:

Mr President:

The Special Committee, to whom was referred Assembly Bill, No. 161, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853, have considered the same, and recommend its passage without amendment.

JOS. WALKUP,
CHAS. A. TUTTLE,
E. D. SAWYER.

On motion of Mr. Walkup, the bill was read a third time and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act supplementary to the Act incorporating the City of Benicia; also,

An Act to legalize assessments in the County of San Diego; and,

An Act amendatory of the 16th section of an Act entitled an Act to provide for the Formation of Corporations for certain purposes, approved April 14, 1853.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 117, for An Act supplementary to the Act Incorporating the City of Benicia.

Read a first and second time, and referred to the Committee on Corporations.

Assembly Bill, No. 156, for An Act amendatory of the sixteenth section of an Act entitled an Act to provide for the Formation of Corporations for certain purposes, approved April 14, 1853.

Read a first and second time, and referred to the Committee on Corporations.

Assembly Bill, No. 146, for An Act to Legalize Assessments in the County of San Diego.

Read a first and second time, and referred to the Committee on Finance.

A communication was received from the Treasurer of State, in answer to Senate Resolution of the 15th instant.

Read and referred to the Committee on Finance.

Leave being granted, Mr. Tuttle introduced a bill for An Act to authorize the Court of Sessions of the County of Placer to reimburse William D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains.

Read a first, second and third time, and passed.

Tee President presented the report of the Committee on Public Expenditures, directed at the last session to examine the books of the Treasurer and Comptroller of State.

Referred to the Committee on Finance.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills, would respectfully report, that they have examined Senate Bill, No. 55, entitled An Act relative to transferring Actions and Proceedings from one Court to another Court, and find the same properly engrossed.

CHAS. A. TUTTLE,
Chairman.

The report was accepted and laid upon the table.

Mr. Crenshaw moved to take up a bill for An Act concerning Corporations for establishing Rural Cemeteries.

Lost.

Mr. Walkup moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Crabb, Lent and McFarland, with the following result:

AYES.

Messrs. Bryan, Colby, Gardner, Hall, Keene, Kurtz, Mahoney, May, Moore, McGarry, Peck, Sawyer, Stebbins and Walkup—14.

NAYS.

Messrs. Coffroth, Crabb, Crenshaw, De La Guerra, Hagar, Hook, Hudspeth, Kendall, Lent, Livermore, Lyons, McFarland, Smith, Sprague, Tuttle, Wade and Whiting—17.

Mr. Sprague moved to take from the table a bill for An Act relative to transferring Actions and Proceedings from one Court to another Court.

Agreed to; and the bill was read a third time and passed.

Mr. Whiting, Chairman of the Committee on Public Buildings, reported back a bill for An Act to fix the Permanent Location of the Seat of Government of the State of California, with amendments, recommending its passage.

Mr. Sprague moved to amend the first line of section fifth, by striking out the word "majority," and inserting "plurality," and striking out the word "all."

Agreed to.

The amendment of the Committee to strike out the sixth and seventh sections, was adopted.

On motion of Mr. Catlin, the usual number of copies were ordered printed.

On motion of Mr. Keene, the bill was laid upon the table.

Mr. Kendall submitted the following:

Resolved, That when the Senate adjourn, this day, it adjourn to meet on Monday, at 12 o'clock, M., for the purpose of allowing the President to have the seats in the Senate Chamber rearranged.

Mr. Sawyer moved that the whole subject be laid upon the table.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Crabb and Catlin, which resulted as follows:

AYES.

Messrs. Catlin, Coffroth, Crenshaw, Gardner, De La Guerra, Mahoney, Moore, McFarland, Peck, Sawyer, Sprague and Walkup—12.

NAYS.

Messrs. Bryan, Colby, Crabb, Hagar, Hall, Hook, Keene, Kendall, Kurtz, Lent, Livermore, May, McGarry, Smith, Stebbins, Tuttle, Wade and Whiting —18.

Mr. Peck moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Crabb, Lyons and Hagar, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, Gardner, De La Guerra, Hall, Hook, Keene, Mahoney, May, Moore, McFarland, Peck, Sawyer, Sprague and Walkup—15.

NAYS.

Messrs. Bryan, Colby, Crabb, Crenshaw, Hagar, Kendall, Kurtz, Livermore, Lyons, McGarry, Smith, Stebbins, Tuttle, Wade and Whiting—15.

Mr. Smith moved that the Senate adjourn to meet on Monday at 11 o'clock.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Sawyer and Smith, with the following result:

AYES.

Messrs. Bryan, Hagar, Hall, Hook, Kendall, Lent, Livermore, Lyons, Mahoney, McGarry, Smith, Stebbins, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, De La Guerra, Keene, Kurtz, May, Moore, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—17.

Mr. Sawyer moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, McGarry and Sawyer, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Coffroth, Colby, Gardner, Hall, Hook, Keene, Kendall, Mahoney, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Crenshaw, Hook, Kurtz, Livermore, Lyons, May, Moore, McGarry, Smith, Stebbins, Tuttle and Whiting—13.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, March 18, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Crenshaw, Chairman of the Committee on Corporations, reported back Assembly Bill, No. 106, An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union in Humboldt County, recommending that it be referred to the Committee on Commerce and Navigation.

The report was adopted.

Mr. Smith, of the Judiciary Committee, reported back a substitute for Senate Bill, No. 71, for An Act to amend an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, recommending the adoption of the substitute.

Mr. Walkup, Chairman of the Committee on Claims, reported back Senate Bill, No. 13, An Act for the relief of William N. Walton, recommending that the word "three" in the fourth line of section first be stricken out, and the word "one" be inserted; and, so amended, the bill be passed.

The amendment was concurred in, and the bill laid upon the table.

Mr. Kurtz submitted the following report:

Mr. President:

The Joint Committee of Conference, appointed on the disagreeing vote of the Assembly to Senate amendment of An Act entitled an Act to prevent the sale of Firearms and Ammunition to Indians in this State, have had the same under consideration, and agreed to recommend the passage of the bill as amended.

J. H. WADE,
D. B. KURTZ.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 66, appropriating money for Civil Expenses of Government, and have amended the same as therein shown.

Respectfully,

B. McALPIN, Clerk.

The bill was taken up, and the amendments of the Assembly concurred in.

Mr. Tuttle moved to reconsider the vote by which Assembly amendment of twenty thousand dollars for State Printing already performed, was adopted.

Lost.

Mr. Sprague, Chairman of the Committee on Finance, reported back Senate Bill for An Act to amend an Act entitled an Act to authorize the Treasurer of State to make Special Deposits, passed May 4, 1852, recommending its passage.

The report was accepted and laid on the table.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back Senate Bill for An Act to change the name of William Meyer to William Meyer Elton, recommending its passage; also,

Assembly Bill, No 62, for An Act declaring Mission Creek in the County of San Francisco, a navigable stream, recommending that sections three and five be stricken out; and, thus amended, the bill be passed; also,

Assembly Bill, No. 13, for An Act to amend an Act concerning Sheriffs, passed April 29, 1851, recommending that the same be indefinitely postponed; and,

Assembly Bill, No. 95, for An Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850, with amendments, recommending its passage.

Mr. Lent presented a petition from the Chamber of Commerce of San Francisco, praying the passage of An Act exempting American and Foreign Whaling Vessels from paying Port Charges in that Harbor.

Read and referred to the Committee on Commerce and Navigation.

Mr. Whiting moved that 150 copies, additional, of a bill for An Act to provide for the selection of Lands donated by the United States to the State of California, for the support of Common Schools, and for the erection of Public Buildings be printed.

Agreed to.

Mr. Smith moved that Senate Bill for An Act concerning County Judges, substitute for Senate Bill, No. 71, be taken from the table.

Agreed to.

On motion of Mr. Smith, the substitute was adopted.

Mr. Smith moved that the bill be considered engrossed and read a third time.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Sprague and Livermore, with the following result:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Grewell, Hagar, Lyons, Peck, Sawyer, Smith, Sprague, Stebbins, Wade, Walkup and Whiting—15.

NAYS.

Messrs. Crenshaw, De La Guerra, Hall, Livermore, McFarland and Tuttle —6.

The bill was then read a third time and passed.

On motion of Mr. Hagar, a bill for An Act to change the name of William Meyer to William Meyer Elton, was taken from the table.

The bill was read a third time and passed.

Mr. Sprague, Chairman of the Committee on Finance, reported back Assem-

bly Bill for An Act to legalize Assessments in the County of San Diego, with amendments, recommending its passage.

On motion of Mr. McFarland, the amendments of the Committee were concurred in.

On motion of Mr. Kurtz, the bill was read a third time and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 16th inst., a bill for An Act entitled an Act to create the County of Stanislaus, which is herewith

Respectfully submitted,

B. McALPIN, Clerk.

Assembly Bill for An Act to create the County of Stanislaus.

Read a first and second time, and referred to the Delegation from Tuolumne County.

Mr. Catlin moved to take up Senate Bill, No. 85, for An Act to amend an Act entitled an Act to authorize the Treasurer of State to make Special Deposits, passed May 4, 1852.

Agreed to.

Mr. Hagar moved to amend by striking out in the thirteenth line, the words "in the City of Sacramento."

Mr. Walkup moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent without leave: Messrs. Gardner, Grewell, Hudspeth, Kurtz and Stebbins.

Mr. Coffroth moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Coffroth moved to lay the bill on the table.

Upon which the ayes and nays were demanded by Messrs. Crabb, Leake and Walkup, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hall, Hook, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, McGarry, Smith and Tuttle—15.

NAYS.

Messrs. Catlin, Crenshaw, Keene, Leake, May, Peck, Sawyer, Sprague, Wade and Walkup—10.

On motion of Mr. Tuttle, the Senate adjourned.

B. F. KEENE,
President *pro tem.* of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, March 20, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of Saturday was read and approved.

Report of the Committee of Conference appointed on a bill for An Act entitled an Act to prevent the sale of Firearms and Amunition to Indians in this State.

Concurred in.

Assembly Joint Resolution, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

Taken up; and,

On motion of Mr. May, again laid on the table.

Assembly Bill for An Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

Taken up; and,

On motion of Mr. Smith, read a third time and passed.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrollment, have examined and find correctly enrolled, Assembly Bill for An Act to abolish the Board of Supervisors in the County of Contra Costa; also,

An Act making appropriations for the Civil Expenses of Government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854; and,

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

SAM. B. SMITH,
Chairman.

Mr. Kendall submitted the report of the Joint Committee on State Hospitals.

Read and laid upon the table.

A bill for An Act to amend an Act entitled an Act to authorize the Treasurer of State to make Special Deposits, passed May 4, 1852, was taken up.

Mr. Coffroth moved to lay the bill on the table.

Upon which the ayes and nays were demanded by Messrs. Walkup, Coffroth and Colby, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hall, Lent, Livermore, Lyons, Moore, McGarry, Smith, Sprague, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, Peck, Sawyer, Wade and Walkup—15.

The bill was considered in Committee of the Whole, Mr. Wade in the chair.

The Chairman reported back, as a substitute, An Act to repeal an Act entitled an Act to authorize the Treasurer of the State to make Special Deposits, passed May 4, 1852.

The substitute was adopted.

Mr. Crenshaw moved that the substitute be considered engrossed, and read a third time.

Upon which the ayes and nays were demanded by Messrs. McFarland, Walkup and Leake, which resulted as follows:

AYES.

Messrs. Bryan, Colby, Crenshaw, Gardner, De La Guerra, Hall, Hook, Hudspeth, Kendall, Leake, Livermore, Lyons, May, Moore, McFarland, McGarry, Sawyer, Smith, Sprague, Tuttle, Wade and Whiting—22.

NAYS.

Messrs. Catlin and Peck—2.

And the bill was passed.

Mr. Tuttle moved to rescind the order by which the bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was ordered to be again engrossed.

Agreed to.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, March 21, 1854.

Senate met pursuant to adjournment.
President in the chair.

There being no quorum present,
On motion of Mr. Keene, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, March 22, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Walworth.
The Journals of Monday and Tuesday were read and approved.

Mr. Coffroth, from the Committee on Federal Relations, reported back Joint Resolutions, Nos. 33, 36 and 46, with a substitute, recommending their passage; and,

Assembly Joint Resolution, No. 8, in reference to Postal Arrangements in this State, recommending its indefinite postponement.

Mr. Keene, Chairman of the Committee on Public Lands, reported back a bill for An Act to provide for the selection of Lands donated by the United States to the State of California, for the support of Common Schools, and for the erection of Public Buildings, with sundry amendments, in which the concurrence of the Senate was asked.

Mr. Coffroth, from the Tuolumne Delegation, to whom was referred a bill for An Act entitled an Act to create the County of Stanislaus, reported the same back with an amendment, recommending its passage.

Mr. Coffroth moved that the Senate concur in the amendment.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Whiting and Grewell, with the following result:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, De La Guerra, Hall, Lyons, Mahoney, McGarry, Smith, Sprague, Stebbins, Tuttle and Whiting—14.

NAYS.

Messrs. Crabb, Crenshaw, Grewell, Hagar, Hook, Hudspeth, Keene, Kurtz, Leake, Livermore, McFarland, Sawyer and Walkup—13.

Mr. McFarland submitted the following amendment: Strike out the words "the County of Stanislaus shall form the Twenty-First Senatorial District," and insert "the Counties of Tuolumne and Stanislaus shall form the Seventh Senatorial District, and the County of Stanislaus shall elect one member of Assembly, and the County of Tuolumne shall elect four members of Assembly."

Mr. Coffroth objected to the reception of the amendment, which the Chair decided to be in order.

From this decision Mr. Coffroth appealed, and the Chair was sustained.

Mr. Leake moved a call of the Senate.

Agreed to; and the following Senators were found absent without leave: Messrs. De La Guerra, Hudspeth, Kurtz, Lent and May.

Mr. Leake moved to suspend further proceedings under the call.

Carried.

The vote recurring upon the amendment of Mr. McFarland, the ayes and nays were demanded by Messrs. Coffroth, Crabb and McFarland, which resulted as follows:

AYES.

Messrs. Crabb, Crenshaw, Grewell, Hagar, Hook, Keene, Leake, McFarland, McGarry, Peck, Sawyer, Sprague, Wade and Walkup—14.

NAYS.

Messrs. Catlin, Coffroth, Colby, De La Guerra, Hall, Livermore, Lyons, Mahoney, Moore, Smith, Stebbins, Tuttle and Whiting—13.

Mr. Coffroth moved to lay the bill on the table.

Upon which the ayes and nays were demanded by Messrs. Peck, Coffroth and Smith, with the following result:

AYES.

Messrs. Coffroth, Colby, Gardner, De La Guerra, Hagar, Hall, Hook, Keene, Livermore, Lyons, Mahoney, Moore, McFarland, McGarry, Peck, Smith, Sprague, Stebbins, Tuttle, Wade and Whiting—21.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Leake, Sawyer and Walkup—7.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 21, 1854.

To the Senate of California:

I have, this day, approved An Act, which originated in the Senate, entitled an Act making appropriations for the unexpired portion of the fiscal year ending June 30th, 1854, and for the first seven months of the fiscal year commencing on the first day of July, one thousand eight hundred and fifty-four.

JOHN BIGLER.

Also, the following:

EXECUTIVE DEPARTMENT,
Sacramento City, March 28, 1854.

To the Senate of California:

I have, this day, approved An Act which originated in the Senate, entitled an Act supplementary to an Act to Fund the Debt of the County of Yuba, and to provide for the payment thereof, passed May 3, 1852.

JOHN BIGLER.

A communication was received from the Secretary of State, transmitting a statement of the Board of Examiners of War Claims.

Read and laid upon the table.

Leave being granted, Mr. Crenshaw introduced a bill for An Act appropriating money to defray the expenses of the Government of this State, from 1st July, 1853, to 22d March, 1854.

Read a first time; and, objection being made to a second reading, it was laid over under the rule.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly concurred in the amendments made by the Senate to Assembly Resolution, fixing the time to meet in Joint Convention to elect Physicians for the Insane Asylum, and the State Marine Hospital.

They also passed, on Saturday last, a bill for An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Respectfully,

B McALPIN, Clerk.

Assembly Bill for An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to the Delegations from Butte and Sutter.

Senate Bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a third time and passed.

Mr. Tuttle moved to rescind the order by which a bill for An Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, was ordered to be engrossed.

Agreed to; and the bill was recommitted to the Committee on Finance.

A communication was received from the Secretary of State in relation to the Official Map of the State.

Read and laid upon the table.

The following message was received from the Assembly :

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to amend an Act entitled an Act to fix the time for holding Terms of the District Court throughout this State, passed May 18, 1853.

An Act amendatory to an Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852; also,

Senate Bill for An Act to provide for the Payment of the Official Reporters to the Senate.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act to amend an Act entitled an Act to fix the time for holding Terms of the District Court throughout this State, passed May 18, 1854.

Read a first and second time, and referred to the Committee on the Judiciary.

Assembly Bill for An Act amendatory to an Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 25, 1852.

Read a first and second time, and referred to the Judiciary Committee.

Mr. McGarry moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Hagar and Hook, with the following result:

AYES.

Messrs. Bryan, Catlin, Colby, Hudspeth, Keene, Kendall, Leake, Lyons, Mahoney, McGarry, Tuttle, Walkup and Whiting—13.

NAYS.

Messrs. Coffroth, Crabb, Crenshaw, Hook, Kurtz, Livermore, McFarland, Peck, Sawyer, Sprague and Wade—11.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, March 23, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

On motion of Mr. Tuttle, Joint Resolutions relative to Mail Routes in California, substitute for several resolutions relative to the same subject reported by the Committee on Federal Relations, was taken from the table and adopted.

The substitute was then read a third time and passed.

Assembly Joint Resolution in reference to Postal Arrangements in this State, was indefinitely postponed.

Mr. Keene gave notice that he would, at an early day, introduce a bill for An Act to repeal section eighty-six of an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, and sections 40, 41 and 42 of An Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Leave being granted, Mr. Sprague introduced a bill for An Act explanatory of an Act entitled an Act making appropriations for the Civil Expenses of Government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, approved March 21, 1854.

Read a first, second and third time, and passed.

On motion of Mr. Walkup, a bill for An Act for the relief of Wm. N. Walton, was taken from the table

Read a third time and passed.

Leave being granted, Mr. Sawyer introduced a bill for An Act to amend section 691 of an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read a first and second time, and referred to the Judiciary Committee.

The amendments of the Judiciary Committee to a bill for An Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850,

Concurred in, and the bill was read a third time and passed.

On motion of Mr. Keene, Senate Bill for An Act to provide for the selection of lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings, was taken up; and,

On motion of Mr. Whiting, again laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 91, An Act to authorize the Court of Sessions of the County of Placer to reimburse Wm. D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains, and have amended the same as therein shown.

Senate Bill, No. 87, An Act to change the name of William Meyer to William Meyer Elton; also,

Assembly Bills, An Act to Incorporate the Town of Alameda;

An Act to change the name of George Alexander Smith to George Smith Townsend;

An Act to change the head of Navigation of Tuolumne River;

An Act to amend an Act entitled an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, passed May 3, 1852;

An Act authorizing persons to erect Dams across streams not declared navigable;

An Act to provide for the Election of a Justice of the Peace for the Town of Santa Clara, and define his jurisdiction; also,

Joint Resolution in relation to the establishment of a Free Watering Place in Humboldt Desert.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Joint Resolution in relation to the establishment of a Free Watering Place in Humboldt Desert.

Read a first and second time, and referred to the Committee on Federal Relations.

Assembly Bill for An Act to provide for the Election of a Justice of the Peace for the Town of Santa Clara, and define his jurisdiction.

Read a first, second and third time, and passed.

Assembly Bill for An Act to authorize persons to erect Dams across streams not declared navigable.

Read a first and second time.

Mr. Smith moved that the bill be referred to the Committee on the Judiciary.

Mr. Crenshaw moved to amend, by substituting the Committee on Mines and Mining Interests.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Kurtz and Smith, with the following result:

AYES.

Messrs. Coffroth, Colby, Crenshaw, Hook, Hudspeth, Leake, Livermore, Lyons, Mahoney, Sawyer, Tuttle and Walkup—12.

NAYS.

Messrs. Bryan, Crabb, Grewell, Hagar, Kurtz, Lent, McFarland, McGarry, Peck, Smith, Wade and Whiting—12.

The Senate being equally divided, the President voted in the affirmative, and the bill was so referred.

Assembly Bill for An Act to amend an Act entitled an Act to create a Board of Supervisors for the Counties of this State, and to define their Duties and Powers, passed May 3, 1852.

Read a first and second time, and referred to the Committee on the Judiciary.

Assembly Bill for An Act to change the head of Navigation of Tuolumne River.

Read a first and second time, and referred to the Delegation from Tuolumne.

Assembly Bill for An Act to Incorporate the Town of Alameda.

Read a first and second time, and referred to the Committee on Corporations.

Assembly Bill for An Act to change the name of George Alexander Smith to George Smith Townsend.

Read a first and second time, and referred to Mr. Smith.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts:

An Act to fix the Sessions of the Supreme Court at the Capital of the State;

An Act to change the name of Charles Turner Kelley, to Charles Turner Kelley Tracy;

An Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies;

An Act to prevent the sale of Firearms and Ammunition to Indians in this State; and,

An Act to legalize Assessments in the County of San Diego.

SAM. B. SMITH,
Chairman.

Assembly amendment to Senate Bill for An Act to authorize the Court of Sessions of the County of Placer to reimburse Wm. D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains, was concurred in.

Mr. Coffroth gave notice that he would, on to-morrow, introduce a bill to extend the Game Law to Tuolumne County.

Mr. Crenshaw submitted the following:

Resolved, By the Senate, the Assembly concurring, that the Secretary of State is hereby authorized to receive the Official Maps of the State of California now in his office.

Mr. Hagar submitted the following as a substitute:

Resolved, That the Committee on the State Library be instructed to inquire into, and report to the Senate, all information they may receive in regard to the publication of the Map of this State by Wm. M. Eddy, and how far his contract with the State has been fulfilled, and of the probability of its being entirely fulfilled.

The substitute was lost.

The ayes and nays were demanded upon the passage of the original resolution by Messrs. Hagar, Walkup and Livermore, and it was lost by the following vote:

AYES.

Messrs. Bryan, Catlin, Crenshaw, Hall, Hook, McFarland, Peck, Sawyer, Smith and Wade—10.

NAYS.

Messrs. Colby, Crabb, Grewell, Hagar, Leake, Lent, Livermore, Lyons, McGarry, Sprague, Tuttle and Walkup—12.

Leave being granted, Mr. Bryan introduced a bill for An Act amendatory to an Act Incorporating the City of Marysville, and to Acts supplementary and amendatory thereto.

Read a first, second and third time, and passed.

Mr. Tuttle submitted the following:

Resolved, The Assembly concurring, that the Attorney-General be directed to institute a suit against the sureties and legal representatives of the late Surveyor-General. Wm, M. Eddy; *provided*, in his opinion, a suit can be maintained, for his failure to perform the duties of his office, in relation to An Act entitled an Act to provide for the publication and distribution of the Official Map of the State, approved March 25, 1853.

Mr. Catlin submitted the following amendment:

"*Provided, further*, That the Attorney-General is of the opinion that the amount of the recovery can be collected."

Mr. Leake moved to adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Lyons and Walkup, which resulted as follows:

AYES.

Messrs. Grewell, Hudspeth, Leake, McGarry and Smith—5.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Hagar, Hall, Hook, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Peck, Sawyer, Sprague, Tuttle, Wade and Walkup—21.

The amendment was adopted.

On the passage of the resolution, the ayes and nays were demanded by Messrs. Crabb, Tuttle and Livermore, with the following result:

AYES.

Messrs. Catlin, Coffroth, Hagar, Hall, Livermore, Peck and Walkup—7.

NAYS.

Messrs. Bryan, Colby, Crabb, Crenshaw, Grewell, Hook, Leake, Lent, Lyons, Moore, McFarland, McGarry, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade and Whiting—19.

Mr. Tuttle gave notice that, on to-morrow, he would move to reconsider the vote just had.

Mr. Colby submitted the following:

Resolved, That the Committee on Printing be requested to report upon the bills referred to them providing for the State printing, on to-morrow.

Mr. Wade moved to adjourn.

The Chair decided the motion out of order, as a question was pending, Mr. Hall in the Chair.

From which decision Mr. Wade appealed; and,

The Chair was not sustained.

Upon the motion to adjourn, the ayes and nays were demanded by Messrs. Stebbins, Catlin and Hagar, with the following result:

AYES.

Messrs. Grewell, Hagar, Hook, Leake, Mahoney, McFarland, Peck and Wade—9.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Hall, Lent, Livermore, Lyons, Moore, McGarry, Sawyer, Smith, Sprague, Stebbins, Tuttle, Walkup and Whiting—18.

Mr. Tuttle moved to lay the resolution on the table.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Lyons and Colby, which resulted as follows:

AYES.

Messrs. Coffroth, Grewell, Lent, Mahoney, McFarland, Peck, Sawyer, Smith and Stebbins—9.

NAYS.

Messrs. Catlin, Colby, Crabb, Hagar, Hall, Hook, Leake, Livermore, Lyons, McGarry, Sprague, Tuttle, Wade, Walkup and Whiting—15.

Mr. Peck moved a call of the Senate.
Lost.
Mr. Sawyer moved that the Senate adjourn.
Upon which the ayes and nays were demanded by Messrs Coffroth, Leake and Sawyer, with the following result:

AYES.

Messrs. Bryan, Crenshaw, Grewell, Hagar, Hook, Leake, Mahoney, McFarland, Peck and Sawyer—10.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crabb, Hall, Lent, Livermore, Lyons, Moore, McGarry, Smith, Sprague, Stebbins, Tuttle and Walkup—15.

Mr. Lent submitted the following substitute:

Resolved, That the Committee on Printing be requested to report on the printing bills, now before them, at their earliest convenience.

On the passage of the substitute, the ayes and nays were demanded by Messrs. Tuttle, Leake and Coffroth, which resulted as follows:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Hook, Leake, Lent, Mahoney, McGarry, Peck, Sawyer, Smith, Sprague, Wade and Walkup—15.

NAYS.

Messrs. Coffroth, Colby, Hagar, Hall, Livermore, Lyons and Tuttle—7.

Mr. Coffroth moved to take from the table a bill creating the County of Stanislaus.
Mr. Sawyer moved that the Senate adjourn.
Upon which the ayes and nays were demanded by Messrs. McGarry, Coffroth and Sawyer, which was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Leake, Peck, Sawyer, Wade and Walkup—12.

NAYS.

Messrs. Coffroth, Colby, Hall, Lent, Livermore, Lyons, Mahoney, McGarry, Smith, Sprague, Tuttle and Whiting—12.

Mr. Leake moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Walkup, Leake and Catlin, which was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Hagar, Hook, Leake, McGarry, Peck, Sawyer, Wade and Walkup—12.

NAYS.

Messrs. Coffroth, Colby, Gardner, Hall, Lent, Livermore, Lyons, Mahoney, Smith, Sprague, Tuttle and Whiting—12.

Mr. Sawyer moved to adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Leake and Lent, which was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Leake, Peck, Sawyer and Walkup—11.

NAYS.

Messrs. Coffroth, Colby, Hall, Lent, Livermore, Lyons, Mahoney, McGarry, Smith, Sprague, and Tuttle—11.

Mr. Walkup moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Walkup, Leake and Catlin, with the following result:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Leake, McGarry, Peck, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Coffroth, Colby, Hall, Lent, Livermore, Lyons, Mahoney, Smith, Sprague and Whiting—10.

The roll being called, the following Senators were found absent without leave: Messrs. Bryan, De La Guerra, Hudspeth, Keene, Kendall, Kurtz, May, Moore, McFarland, Stebbins and Tuttle.

Mr. Crenshaw moved that further proceedings under the call be dispensed with.

Agreed to.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, March 24, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

S. B. SMITH,
Chairman.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Assembly Joint Resolutions in relation to the establishment of a Free Watering Place in Humboldt Desert, without amendment, and recommending its passage.
The resolutions were read a third time and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bills. An Act explanatory of an Act entitled an Act making appropriations for the Civil Expenses of Government of this State, for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854, approved March 21, 1854; also,
An Act amendatory to an Act Incorporating the City of Marysville, and Acts supplementary and amendatory thereto.
All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

According to previous notice, Mr. Coffroth introduced a bill for An Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne.
Read a first, second and third time, and passed.

The following message and accompanying communications were received from the Governor:

Executive Department,
Sacramento City, March 24, 1854.

To the Senate and Assembly of California:

On the 7th instant, I had the honor to transmit to the Legislature a communication from the Hon. J. R. McConnell, Attorney-General, relative to the property in the City of San Francisco and County of Sacramento, known as the "Leidesdorff Estate," in which that officer expresses the unqualified opinion that it has escheated to the State; an opinion concurred in by a large majority of our best informed and most intelligent citizens.

Some months since, I ascertained that, in the year 1842, a case had been decided in the State of Michigan involving, in part, the same questions and principles as those connected with the Leidesdorff Estate. The property in the Michigan case was vested in an American citizen, who died intestate, leaving legitimate but alien relatives. The question presented for decision was, whether on the death of an intestate, alien heirs could take by descent, and if not, whether the property escheated to the United States, or the State of Michigan.

Hon. Hugh S. Legare, who was at that time Attorney-General of the United States, after having given the subject that mature reflection and profound legal research which its importance demanded, a task for which he was eminently qualified, gave the decided opinion that the property had escheated to the State of Michigan; and the Government of the United States, desirous of holding these lands for a military station, paid to the State a large sum for the same, upon the opinion of the Attorney-General, without further attempting to assert its claims in a court of law.

Believing that the decision in this case must necessarily affect the Leidesdorff Estate, the same questions and principles, in part, being involved, I wrote to the Hon. Caleb Cushing, Attorney-General of the United States, and requested that the facts of the "Harvey Case" be forwarded to me, accompanied with the opinion of Hon. H. S. Legare, Attorney-General of the United States.

By the last mail I received an answer to that communication, and have the honor, herewith, to transmit a copy of the same.

Feeling confident, as I do, of the validity of the claim of the State to the Leidesdorff property, and in view of the great beneficent object to which the proceeds of all escheated estates are appropriated by the Constitution, although having several times, heretofore, called the attention of the Legislature to the subject, I feel it my duty again to urge upon the representatives of the people the importance of speedy action.

If the opinion, heretofore expressed, that this estate has escheated to Californio, be correct, and it is her right, under the Constitution, to appropriate the same for the benefit of Common Schools, it is highly important that the Legislature should promptly take such steps as may be deemed necessary to enable the agents of the State to institute and prosecute, with vigor, to a speedy termination, proceedings for the recovery of the same.

This is deemed necessary to maintain the rights of the State in the premises, and is no more than an act of justice to the claimants under the alien heirs.

If the claim of the State be valid, she should, at once, take possession of so valuable an inheritance; if not, the cloud of title necessarily encumbering the rights of others should be as speedily removed.

Concurring with the Attorney-General of the State in the opinion that the title to this valuable property is most unquestionably in the State of California, I feel that I cannot too earnestly urge upon her representatives the high duty

they owe to the people, and the children of the State, to adopt such measures as may be required to insure a settlement of these conflicting claims at an early day.

In conclusion, I would especially direct your attention to the last suggestion contained in the communication of the Attorney-General, transmitted on the 7th instant, recommending that the "law concerning Escheats be so amended, as to permit proceedings to be instituted in any County in the State in which a part of an Escheated Estate may be situated," and, also, an amendment "having in view the protection of the State in her Interest in the accruing rents of the property, which may be claimed as having escheated during litigation."

JOHN BIGLER.

Mr. Tuttle moved that the message and accompanying papers be referred to a Select Committee of three.

Agreed to; and the following were appointed the Committee: Messrs. Tuttle, Bryan and Whiting.

Assembly Bill for An Act to amend an Act concerning Sheriffs, passed April 29th, 1851, was taken up; and,

On motion of Mr. Sprague, again laid upon the table.

Assembly Bill for An Act concerning County Judges, was taken up; and,

On motion of Mr. Catlin, again laid upon the table.

Assembly Bill for An Act declaring Mission Creek, in the County of San Francisco, a navigable Stream, was taken up, and again laid upon the table.

Senate Bill for An Act appropriating Money to defray the expenses of the Government of this State, from 1st of July, 1853, to 22d March, 1854.

Read a second time, and referred to the Committee on Finance.

Senate Joint Resolution of instruction to the Board of State Land Commissioners, was taken up; and,

On motion of Mr. Crabb, referred to the Judiciary Committee.

Mr. Hagar presented a memorial of certain Citizens of San Francisco, in relation to Water Lot Property in said City, which was read.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly is now ready to meet in Joint Convention, to proceed with the elections heretofore agreed upon by the two Houses.

B. McALPIN, Clerk.

The Senate proceeded to the Assembly Chamber.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to elect two Visiting and two Resident Physicians, and five Trustees to the State Marine Hospital at San Francisco; also, one Resident and one Assistant Physician, and five Trustees to the Insane Asylum, at Stockton, and one Quarter-Master-General for this State.

Mr. Hall submitted the following, which was adopted:

Resolved, That when balloting for the Physicians and Trustees of the State Marine Hospital and Asylum for the Insane, the Convention will adopt the following form:

The vote shall be taken, first, for the Physicians and Trustees for the Marine Hospital, and each member of the Convention shall, upon the call of his name, vote in one ballot for Visiting and Resident Physicians, and for the Trustees; and that the same course be pursued in the election of Physicians and Officers for the Insane Asylum.

The President appointed Mr. Moore, as Teller, on the part of the Senate, and the Speaker appointed Mr. Dannels, on the part of the Assembly.

Mr. Whiting nominated S. B. Mills and W. D. Aylett for Resident, and John R. Coryell and Wake Bryarly for Visiting Physicians; and Erastus Sparrow, Charles Galagher, James A. McCrea, William McKibben and Thomas McCahill, for Trustees of the State Marine Hospital.

Those who voted for S. B. Mills, were—

Messrs, Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate,

And Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannells, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKenney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—93.

Those who voted for W. D. Aylett, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting of the Senate.

And Messrs. Anderson, Ashley, Bagley, Ballou, Bennet, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—96.

Those who voted for John R. Coryell, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardner, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate,

And Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fair-

field, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKenney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—94.

Those who voted for Wake Bryarly, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate,

And Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel McGee, McKenney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—93.

Those who voted for Messrs. Erastus Sparrow, Charles Galagher, James A. McCrea, William McKibben and Thomas McCahill, for Trustees, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardner, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, (Mr. Stebbins voted for Mr. Galagher and Mr. McCahill,) Tuttle, Wade, Walkup and Whiting, of the Senate,

And Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Limsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKenney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Pratt, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle and Mr. Speaker.

Mr. Sparrow received 90 votes;
" Galagher " 91 "
" McCrea " 90 "
" McKibben " 90 "
" McCahill " 91 "

All of these persons having received a majority of all the votes cast, were declared by the President to be duly elected to their respective offices for the term of two years.

Mr. Whiting moved that the Convention proceed to vote for Quarter-Master-General at the same time with Physicians and Trustees to the Insane Asylum.
Agreed to.

Mr. Myres nominated for Resident Physician, Robert K. Reid, and for Assistant Physician, W. D. Cowan.

Mr. Coffroth nominated for Trustees, Messrs. Enoch Gove, Andrew Lester, P. E. Jordan, S. A. Booker and Nelson Taylor.

Mr. Van Cleft nominated for Quarter-Master-General, William C. Kibbe.

For whom the following votes were cast, respectively—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De La Guerra, Hagar, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, Moore, McFarland, Sawyer, Smith, Sprague, Tuttle, Wade, Walkup and Whiting, of the Senate,

And of the Assembly, Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bradford, (Mr. Burton, voted for R. B. Ellis for Resident Physician, W. D. Cowan for Assistant Physician, and W. C. Kibbe for Quarter-Master-General only), Carr, Carillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, (Mr. Hagans voted for R. K. Reid, for Resident Physician only), (Mr. Henry voted for W. C. Kibbe for Quarter-Master-General only), Herbert, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, (Mr. Lindsey voted for W. C. Kibbe for Quarter-Master-General only), Mandeville, Myres, McDuffie, McDaniel, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, (Mr. Watkins voted for R. K. Reid for Resident Physician, W. D. Cowan for Assistant Physician, and W. C. Kibbe for Quarter-Master-General), Whipple and Mr. Speaker.

R. K. Reid received 80 votes;
R. B. Ellis, " 1 vote;
W. D. Cowan " 80 votes;
Enoch Gove, Andrew Lester, P. E. Jordan, S. A. Booker and Nelson Taylor, each 78 votes; and
W. C. Kibbe 82 votes.

All of whom having received a majority of the votes cast, the President declared them to be duly elected to their respective offices—the Physicians and Trustees for the term of two years, and the Quarter-Master-General for four years.

The President stated that the object for which the convention had assembled was accomplished, and pronounced it adjourned *sine die.*

The Senate withdrew to the Senate chamber.

SAM. PURDY,
President of the Senate.

IN SENATE.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, " An Act explanatory of an Act entitled an Act making appropriations for the

Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, approved March 21, 1854.

SAM. B. SMITH,
Chairman.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, March 25, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.

Mr. Sawyer moved that the reading of the Journal be dispensed with until Monday.

Agreed to.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back a bill for An Act in respect to Insurance of Lives for the benefit of Married Women, with amendments, recommending its passage.

And a substitute for Assembly Bill for An Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1851.

The report was accepted and laid upon the table.

Mr. Crenshaw, Chairman of the Committee on Corporations, reported back a bill for An Act Incorporating the City of Benicia, with amendments, recommending its passage.

The report was accepted and laid upon the table.

The following message was received from the Governor:

Executive Department,
Sacramento City, March 24, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to fix the Sessions of the Supreme Court at the Capital of the State;

An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851;

An Act to change the name of Charles Turner Kelley to Charles Turner Kelley Tracy; also,

An Act explanatory of an Act entitled an Act making appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, approved March 21, 1854.

JOHN BIGLER.

Assembly Bill for An Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Taken from the table; and,

On motion of Mr. Hagar, recommitted to the Judiciary Committee.

A memorial of citizens of San Francisco, claiming ownership of a certain block of property in said city was taken up.

Mr. Hagar moved to refer the memorial to the Committee on Public Lands.

Mr. Coffroth moved to lay it on the table.

Agreed to.

Assembly Bill for An Act declaring Mission Creek in the County of San Francisco, a navigable stream, was taken up.

The third and fifth sections were stricken out, as recommended by the Judiciary Committee, and so amended.

The bill was read a third time and passed.

Leave being granted, Mr. Lent introduced a bill for An Act to authorize Frederick D. Kohler and Thomas H. Dawling, to hold, use and occupy certain Lands in the Bay of San Francisco.

Read a first and second time.

Mr. Crabb moved it be referred to the Committee on Corporations.

Mr. Whiting moved to amend, by substituting the Committee on Public Lands.

Agreed to; and the bill was so referred.

Mr. Coffroth of the Tuolumne Delegation, to whom was referred Assembly Bill for An Act to change the head of Navigation of Tuolumne River, reported back as a substitute, a bill for An Act to declare the head of Navigation on the Tuolumne River.

The substitute was adopted, read a third time, and passed.

Mr. Peck, from the Committee, to whom was referred Assembly Bill for An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, reported the same back, recommending its passage.

Mr. Catlin offered the following: Add to the second section "provided the southern line of said County shall not run into the County of Sacramento."

Lost.

Mr. Catlin moved to lay the bill on the table.
Lost.
Mr. Hagar moved to strike out the third section.
Lost.
The bill was then read a third time and passed.

Mr. Hall, Chairman of the Committee on Military Affairs, submitted the following report:

Mr. President:

The Committee on Military Affairs, having duly considered the petition of Captain Daniel Aldrich and others, together with the accompanying document from John McDougal, late Governor of California, praying compensation for military services rendered to the State, would respectfully submit to the Senate:

That, in the month of November, 1851, John McDougal, acting Governor of California, in the exercise of a constitutional prerogative, made proclamation, authorizing Col. John C. Hays to organize a military force for the suppression of Indian difficulties in San Diego and Los Angeles Counties.

Pursuant to this proclamation, a company of volunteer militia was raised by Daniel Aldrich, in the City of San Francisco, and on the 8th day of Nov., 1851, was enrolled and mustered into service by Col. John Hays. The pay-roll of this Company, as exhibited by the petition under consideration, shows an aggregate number of sixty-six men, officers and privates.

On the 12th day of said month of November, the Governor of the State, conceiving no necessity for their active service, disbanded the company.

It appears, however, that every preparation had been made for what was anticipated would be a long and arduous campaign—preparations that required important personal sacrifices, and a large outlay of money, for arms, uniforms and camp equipage.

Your Committee are of the opinion, that the prayer of the petitioners presents a proper subject for legislative relief, and having observed, that a previous legislature granted remuneration to Beverly C. Saunders, for loss of time and service under a contract for the transportation of the troops destined for this expedition, would propose the following bill, and recommend its passage.

G. D. HALL,
Chairman.
B. C. WHITING,
D. MAHONEY.

A bill for an Act for the relief of Soldiers called out by the Governor to suppress Indian Difficulties in Los Angeles and San Diego Counties, in the year 1851.

Read a first and second time; and,
On motion of Mr. McFarland, referred to the Committee on Claims.

On motion of Mr. Stebbins, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, March 27, 1854.

Senate met pursuant to adjournment.
President *pro tem.*, in the chair.
The Journal of Saturday was read and approved.

Mr. Walkup, Chairman of the Committee on Claims, submitted the following:

Mr. President:

The Committee on Claims, to whom was referred Senate Bill for An Act to pay James McMahon for services to the State, have considered the same, and recommend the adoption of the following amendment, and passage of the bill, to wit: strike out in line three "two hundred," and insert "one hundred and fifty."

JOS. WALKUP,
Chairman.

A communication from the Independent Order of Odd Fellows, and Free and Accepted Masons of the City of Sacramento, in behalf of Gen. A. M. Winn, for bevevolent services in 1849 and 1850.

Read; and,

On motion of Mr. Wade, referred to the Committee on Claims.

Mr. Keene asked leave of absence for the Secretary, for three days.

Granted.

Mr. Lent asked leave of absence for Messrs. Lyons and Hudspeth, for two days, each.

Mr. Lent moved to take up the report of the Committee on Claims.

Agreed to.

Mr. Walkup moved that a bill for An Act to pay James McMahon for services to the State, be read a third time, which was done, and the bill passed.

Mr. Coffroth moved to take from the table a bill for An Act to create the County of Stanislaus.

Agreed to.

Mr. Coffroth offered the following as a substitute for the 15th section of said bill:

"SEC. 15. Hereafter, one of the five Members of Assembly allowed by the Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18th, 1853, to the County of Tuolumne, shall be elected from the County of Stanislaus by the qualified Electors thereof, and four of said five Members of Assembly, shall be elected from Tuolumne County. The County of Stanislaus shall be and remain a part of the Seventh Senatorial District."

The substitute was adopted.

Mr. Coffroth moved to further amend the bill by striking out "six" and inserting "three" in the 25th section.

Adopted.

So amended, the bill was read a third time and passed.

Mr. Crenshaw, from the Committee on Enrolled Bills, submitted the following:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act to provide for the payment of the Official Reporters to the Senate;

An Act to change the name of William Meyer to William Meyer Elton;

An Act to authorize the Court of Sessions, of the County of Placer, to reimburse Wm D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains; and,

An Act amendatory to an Act Incorporating the City of Marysville, and to Acts supplementary and amendatory thereto.

JNO. T. CRENSHAW.

Mr. Hook submitted a Preamble and Joint Resolution in relation to the "Nebraska Bill," introduced into the United States Senate, by Senator Douglas from Illinois, on the 23d day of January, 1854.

Mr. Hook moved to refer the resolutions to the Committee of the Whole Senate, and make them the special order of the day for to-morrow.

Mr. Hall moved that they be referred to the Committee on Federal Relations.

Mr. Lent moved to amend by making the resolutions the special order of the day for Wednesday of next week.

Lost.

The vote was then had on Mr. Hall's motion.

Lost.

Mr. Crabb moved that the resolutions be made the special order of the day for next Wednesday, in Committee of the Whole House.

Mr. Mahoney moved to amend, by inserting Tuesday of next week, at 12 o'clock M.

Agreed to.

Mr. Crabb moved that they be the special order of the day for every day thereafter until disposed of.

Mr. Coffroth moved to amend by inserting "at 1 o'clock."

Agreed to.

Mr. Catlin moved that the usual number of copies of the Preamble and Resolutions be printed.

Carried.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on Saturday last, An Act for the Protection of Settlers.

B. McALPIN, Clerk.

By J. W. SCOBY, Ass't Clerk.

Assembly Bill, No. 85, for An Act for the Protection of Settlers.

Taken up, and read a first and second time.

Mr. Catlin moved to refer the bill to the Judiciary Committee.

Lost.

Mr. McGarry moved to refer to the Committee on Public Lands.

Carried.

Mr. Crabb moved that the bill in the hands of the Judiciary Committee, upon the same subject, be also referred to the Committee on Public Lands.

Agreed to.

Senate Bill, No. 46, for An Act to fix the permanent location of the Seat of Government of the State of California,

Taken up; and,

On motion of Mr. Catlin, again laid on the table.

Senate Bill for An Act in respect to Insurance of Lives for the benefit of Married Women, was taken up.

Mr. Crabb moved that the substitute of the Committee for section second of the bill, be adopted.

Mr. Sprague moved to amend the substitute by adding after the words "by their legal guardian," "for their use."

The amendment and substitute were adopted; and,

On motion of Mr. Sprague, the bill was ordered engrossed for a third reading.

Assembly Bill for An Act to amend an Act concerning the Office of Public Administrator, and making it elective, passed April 15th, 1851, was taken up.

Mr. Sawyer moved, that the substitute reported by the Judiciary Committee, be adopted.

Agreed to.

Mr. Sprague moved to amend the substitute, by inserting after the word "election," in section first, "at the general election."

Carried.

Mr. Sawyer moved to further amend, by inserting in section first, between the words "is" and "qualified," the words "elected and."

Carried.

And so amended, the bill was read a third time and passed.

Mr. McGarry moved that Assembly Bill for An Act supplementary to the Act Incorporating the City of Benicia, be taken up, which was done; and,

On motion of Mr. Wade, the amendments of the Committee were concurred in.

On motion of Mr. Sprague, the bill was read a third time and passed.

Mr. May moved to take from the table, Assembly Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

Agreed to.

On motion of Mr. May, the resolution was read a third time and passed.

Leave being granted, Mr. De La Guerra introduced a bill for An Act fixing the compensation of the County Judge of Santa Barbara County.

On motion of Mr. McFarland, the rules were suspended, and the bill read a first, second and third time, and passed.

A bill for An Act entitled an Act to authorize the Members of the Legislature to purchase each a volume of the Compiled Laws of the State of California.

Taken from the table; and,

On motion of Mr. Coffroth, it was indefinitely postponed.

Senate Bill for An Act concerning Corporations for establishing Rural Cemeteries, was taken up; and,

On motion of Mr. Tuttle, laid upon the table.

On motion of Mr. Sawyer, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, March 28, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of yesterday was read and approved.

Mr. Hagar presented a memorial from the citizens of the County of San Francisco, in relation to An Act entitled an Act to provide Revenue for the support of the Government of this State, approved May 18, 1853, complaining of the provisions of the same.

Mr. Bryan presented a like memorial from the citizens of Marysville.

Mr. Colby presented a like memorial from the citizens of Sacramento.

Mr. Crabb presented a like memorial from the citizens of San Joaquin County.

Mr. Hagar moved that the memorials be referred to the Committee on Finance.

Agreed to.

Mr. Colby presented a petition from the citizens of Mormon Island, for the enactment of a law which shall combine the essential principles of the Maine Liquor Law, which was read; and,

On motion of Mr. Sprague, referred to the Committee on Vice and Immorality.

Mr. Coffroth presented a petition from Wm. McNees for remuneration for services rendered to the Overland Emigrants to California in the year 1850; which,

On motion of Mr. Coffroth, was referred to the Committee on Claims.

Mr. Crenshaw presented a petition from the citizens of the City of San Francisco, in relation to the proposed new Charter for said city, now under consideration by the Legislature, in opposition to the same; which,

On motion of Mr. Crenshaw, was referred to the Delegation from San Francisco.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, submitted the following:

Mr. President:

The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 70, entitled An Act to authorize the Construction of a Wharf at the Pulgas Rancho, in the County of San Francisco, and which was subsequently recommitted to this Committee, with instructions to report, respectfully report as follows:

That the contemplated wharf privilege is in no wise connected with any interests appertaining to the City of San Francisco; that it is situated at a point, distant thirty-one miles from said city, near the division line between the Counties of Santa Clara and San Francisco; that the purposes for which it is required is for a steamboat landing, affording facilities for the speedy and cheap transportation of passengers and heavy merchandise, and is regarded by your committee as an enterprise of public benefit, which should, in their opinion, be granted.

Your Committee further report, that they have considered the matter embraced in the subject of a general wharf bill, and expect to be able to report upon the same within a few days.

WM. M. LENT,
Chairman.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, submitted the following:

Mr. President:

The Committee on Commerce and Navigation, to whom was referred Assembly Joint Resolutions relative to the establishment of a State Agricultural Institute, report the same back, with the recommendation that it pass.

WM. M. LENT,
Chairman.

Mr. Sprague, Chairman of the Committee on Finance, submitted the following:

Mr. President:

The Committee on Finance, to whom was referred An Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, have had the same under consideration, and now report the same back, recommending its passage, with certain amendments, herein, to wit: amend section second, by inserting in line thirty-one, between the words "miles" and "from," the words "from the County Seat of Plumas County to Sacramento, —— miles; to Stockton, —— miles; to San Quentin, —— miles;" and by striking out in line twenty-eight, the figures "65" and "120," and inserting "70" and "125;" and in line twenty-nine strike out "220" and insert "225;" in line fifty-two strike out "57" and "152," and insert "110" and "165;" in line fifty-three, strike out "252" and insert "265." Insert in the sixtieth line, between the words "miles" and "from," the words "from the County Seat of Sanislaus to Sacramento, —— miles; to Stockton, —— miles; to San Quentin, —— miles."

R. T. SPRAGUE,
Chairman.

Mr. Crenshaw, from the Committee on Finance, submitted the following:

Mr. President:

The Committee on Finance have had under consideration, Senate Bill, No. 26, for An Act concerning the Comptroller's and Treasurer's Offices, and herewith return the same, and recommend its passage, with the amendment thereto annexed.

JOHN T. CRENSHAW.

Mr. Crenshaw, Chairman of the Committee on Corporations, submitted the following:

Mr. President:

The Committee on Corporations, to whom was referred Assembly Bill, No. 73, entitled An Act to Incorporate the Town of Alameda, have had the same under consideration, and report it back, with the following amendment, to wit: Insert between the words "same" and "slips" in the forty-first line of section two, the words "for the term of 15 years," and recommend its passage, with said amendment; also,

Senate Bill, No. 23, entitled An Act to amend an Act entitled an Act concerning Corporations, approved April 22, 1850, recommend its indefinite postponement; also,

Assembly Bill, No. 66, entitled An Act to Incorporate Crescent City, with an amendment as therein shown, and recommend its passage; and,

Assembly Bill, No. 156, entitled an Act amendatory of the sixteenth section of an Act to provide for the formation of Corporations for certain Purposes, approved April 14, 1853, and recommend its indefinite postponement.

JOHN T. CRENSHAW,
Chairman.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, submitted the following:

Mr President:

The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 12, for An Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, approved May 3, 1852, do most respectfully report, that they have had the same under consideration and recommend its passage.

WM. M. LENT,
Chairman.

Mr. Walkup, from the Committee on Mines and Mining Interests, submitted the following:

Mr. President:

The Committee on Mines and Mining Interests, have considered Assembly Bill, No. 130, for An Act authorizing Persons to erect Dams across Streams

not declared navigable, and recommend the adoption of the following amendment, to wit: Strike out in line three of section first, the words "not by law declared navigable," and insert "mining streams, and streams declared navigable by law, excepted."

JOS. WALKUP.

Mr. Whiting presented a petition from the Fire Department of San Francisco, in relation to the appropriation of money for their benefit, which was read.

Mr. Lent moved to refer the petition to the Senator from Santa Cruz.

Mr. Bryan moved to amend, by referring to the Delegation from San Francisco.

Agreed to; and the petition was so referred.

Leave being granted, Mr. Crabb introduced a bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, passed May 17, 1853.

Mr. Bryan moved that the rules be suspended and the bill be read a second time, which was done.

Mr. Crabb moved that it be referred to the Judiciary Committee.

Agreed to.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 65, for An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850.

Respectfully,

B. McALPIN, Clerk.

Leave being granted, Mr. Colby introduced a bill for An Act amendatory of an Act fixing the Sessions of the Supreme Court at the Capital of the State.

Mr Colby moved that the rules be suspended, and the bill be read a second time; and, objection being made, it was laid on the table.

Leave being granted, Mr. Catlin introduced a bill for An Act explanatory of an Act entitled an Act to fix the Sessions of the Supreme Court at the Capital of the State, passed March 24, 1854.

Mr. Catlin moved that the rules be suspended, and the bill read a second time.

Mr. Hagar objected, and Mr. Catlin made the point of order, that a two-third vote could suspend the rules for a second reading.

The Chair decided that, objection being made, the bill must lie over under the rules.

From which decision Mr. Catlin appealed, and the ayes and nays being demanded by Messrs. McGarry, Hagar and Wade, the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Grewell, De La Guerra, Hagar, Hook, Kendall, Lent, Livermore, Lyons, McGarry, Tuttle, Wade and Whiting—15.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Hall, Leake, May, Peck, Sprague and Walkup—9.

Mr. Whiting gave notice that, on to-morrow, he would make a motion to so amend the thirty-third rule, as to expressly except the fourteenth rule from being suspended, at any time, by a two-third vote.

Leave being granted, Mr. Colby introduced a bill for An Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes; and,

On motion of Mr. Colby, the bill was read a second time.

Mr. Colby moved a suspension of the rules, and that the bill go to a third reading.

Mr. Catlin objected.

On motion of Mr. Hagar, it was referred to the Delegation from Sacramento.

Mr. Coffroth moved to take up Senate Bill for An Act to authorize the construction of a Wharf at Pulgas Rancho in the County of San Francisco.

Agreed to.

Mr. Lent offered to amend by adding to section second, the words, "subject to the approval of the Court of Sessions."

Mr. Hagar offered a substitute for the amendment, as follows: by adding to section second, the words "not to exceed such rates as may be fixed or approved by the Board of Supervisors of the County."

Mr. Lent accepted the substitute, and it was adopted.

Mr. Whiting offered an amendment to section first of the bill, by inserting, after the words "the County of San Francisco," the words "for the term of fifteen years."

Adopted.

Mr. Tuttle moved to further amend, by adding the following as a third section:

"SEC. 3. This Act shall not take effect, until the State of California shall execute to the individuals herein named, a lease of the privilege herein intended to be granted; which lease shall, upon the passage of this Act, be approved and executed by the Governor, who shall sign the same on behalf of the State, which lease shall run for a period of twenty years, and shall, by its provisions, require one dollar, annually, to be paid to the State of California for the privilege herein granted, and which lease shall be filed in the office of the Secretary of State."

Mr. Walkup moved to strike out "twenty years," and insert "fifteen years."

The amendment to the amendment was accepted.

The proposed third section to the bill was then adopted.

Mr. Sawyer moved to lay the bill on the table.

Lost.

Mr. Leake moved a reconsideration of the vote by which the third section was adopted.

Carried.

Mr. Sawyer moved to postpone the further consideration of the bill until to-morrow.

Lost.

Mr. Whiting offered the following amendment to the third section: Strike out the word "not" in the first line, and all after the word "effect," and insert

"ten days after its passage, and it shall be the duty of the Governor at the time of approving the bill, to execute a lease on the part of the State to said grantees, for fifteen years, at an annual rent of one dollar, to be paid into the office of the State Treasurer."

Lost.

Mr. Bryan then moved to amend section first of the bill, by inserting after the words "for the term of fifteen years," the words "upon the payment of one dollar per annum for the use of the land upon which said wharf is situated, to the Treasurer of State."

Adopted, and the bill ordered engrossed for a third reading.

Mr. Lent presented a remonstrance of J. S. Polack and others, against the passage of a law authorizing J. P. Dawling and Frederick Kohler, or any other persons, to erect Wharves, or other fixtures, connected with the Island of Yerba Buena, in the Bay of San Francisco.

Read and referred to the Committee on Public Lands.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, this day, Senate Bill, No. 103, for An Act fixing the compensation of the County Judge of Santa Barbara County, and have amended the same as therein shown, to which they respectfully ask the concurrence of the Senate.

Respectfully,

B. McALPIN, Clerk.

On motion of Mr. Coffroth, the bill was taken up, and the amendments of the Assembly, extending its provisions to the County Judge of Santa Clara County, fixing his annual compensation at three thousand dollars, and amending the title in accordance, were concurred in.

On motion of Mr. Tuttle, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, March 29, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of yesterday was read and approved as amended.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, submitted the following:

Mr. President:

The Committee on Engrossed Bills, have examined a bill for An Act entitled an Act to authorize the Construction of a Wharf at the Pulgas Rancho, in the County of San Francisco, and respectfully report that they find the same correctly engrossed.

CHAS. A. TUTTLE,
Chairman.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, submitted the following:

Mr. President:

The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 106, for An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union, in Humboldt County, do most respectfully report, that they have examined the same, and believe the interest of that section of the State will be promoted by the passage of the Act, and therefore recommend it to the favorable consideration of the Senate.

WM. M. LENT,
Chairman.
A. P. CATLIN,
J. P. McFARLAND.

Mr. Lent presented the following:

To the HON. SAMUEL PURDY,
President of the Senate of the State of California:

SIR:—

Having received an appointment in the State Marine Hospital, at San Francisco, I hereby respectfully tender my resignation of the Office of Engrossing

Clerk of the Senate, to take effect as soon as my successor may be elected and qualified for office.

Most respectfully yours,

J. C. TUCKER.

The resignation was read; and,

On motion of Mr. Crabb, it was accepted, and that portion relating to the appointment to the State Marine Hospital, was referred to the Judiciary Committee.

Mr. Lent offered the following:

Resolved, That the vacancy, occasioned by the resignation of J. C. Tucker, be filled by Charles Dickinson.

Mr. Colby moved to insert the name of John F. Madden.

Mr. Leake moved to insert the name of McNees.

Mr. Crenshaw offered the following as a substitute.

Resolved, That the Senate proceed, forthwith, to the election of an Engrossing Clerk.

Adopted.

Mr. Lent nominated Charles Dickinson.

Mr. Colby nominated J. F. Madden.

Mr. Leake nominated McNees.

The Senate then proceeded to the election, and the roll being called by the direction of the President, the following Senators voted for Charles Dickinson:

Messrs. Bryan, Coffroth, De La Guerra, Keene, Kendall, Kurtz, Livermore, Lyons, Mahoney, McGarry, Peck, Smith, Sprague, Tuttle, Wade, Walkup and Whiting—17.

Mr. Colby voted for J. F. Madden.

Messrs. Crabb, Crenshaw and McFarland voted for McNees—3.

Charles Dickinson having received a majority of all the votes cast, the President announced that he was duly elected Engrossing Clerk to the Senate for the balance of the Session.

Mr. Crenshaw, from the Committee on Enrolled Bills, submitted the following:

Mr. President:

The Committee on Enrolled Bills have carefully examined, Assembly Joint Resolutions in relation to the establishment of a Free Watering Place in Humboldt Desert; also,

Assembly Bill entitled An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851; also,

Assembly Bill entitled An Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850; and,

Assembly Bill entitled An Act to provide for the election of a Justice of the Peace for the Town of Santa Clara, and define his jurisdiction, and find the same correctly enrolled.

JNO. T. CRENSHAW,
Of Committee.

Mr. Hagar, Chairman of the Judiciary Committee, submitted the following:

Mr. President:

The Committee on the Judiciary, to whom was referred a bill for An Act to amend an Act concerning Sheriffs, passed April 29, 1851, having had the same under consideration, beg leave to report it back, and recommend its passage.

JOHN S. HAGAR,
Chairman.

Mr. Crabb, from the Judiciary Committee, submitted the following:

Mr. President:

Your Committee, to whom was referred a bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, passed May 17, 1853, have had the same under consideration, and report it back, recommending its passage.

A. P. CATLIN,
J. W. COFFROTH,
HENRY A. CRABB,
SAM. B. SMITH,
Of Committee.

Leave being granted, Mr. Mahoney introduced a bill for An Act to amend an Act entitled an Act to authorize the formation of Limited Partnerships.

Read a first and second time; and,

On motion of Mr. Smith, referred to the Judiciary Committee.

Mr. Hagar, Chairman of the Committee on the Judiciary, submitted the following:

Mr. President:

The Committee on the Judiciary have instructed me to report back Senate Bill, No. 40, for An Act amendatory of and supplemental to an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21, 1851, with substitute for the same, with the recommendation that the substitute be passed.

JOHN S. HAGAR,
Chairman.

Mr. Sprague, Chairman of the Select Committee, to whom was referred the message of His Excellency, the Governor, returning with his objections, Senate Bill, No. 1, submitted the following:

Mr. President:

The Select Committee organized for the purpose of considering, investigating and reporting upon the matters contained in the Special Message of His Excellency, the Governor, returning, with his objections, Senate Bill, No. 1, for An Act declaring the consent of the Legislature of the State of California to the

purchase, by the United States, of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island; and to vest the jurisdiction over the same in the United States, for the purposes therein specified, with power to send for persons and papers, have, as fully as practicable, discharged the duties assigned to them, and now ask leave to report:

That upon the examination of G. W. P. Bissell, G. C. Bates, Col. A. J. Buttler, and Hon. J. W. Denver, Secretary of State, they became possessed of all the information upon which the Governor has based his objections to the bill, and also the manner in which the Governor came in possession of the facts stated in his said Special Message. But the testimony of these witnesses your Committee do not deem of importance, inasmuch as all the material facts necessary to a full understanding of the merits of the objections urged by the Governor, are contained in the accompanying copy of documents now on record in the Recorder's Office in the County of Solano, certified copies of which are hereto attached.

The first, in point of time, is a letter dated Dec. 10, 1852, from the Hon. John P. Kennedy, then Secretary of the Navy, to W. H. Davidge, Esq., agent W. H. Aspinwall, accepting, with certain modifications, propositions for the sale of Mare Island to the United States, to which was appended, on the 15th day of December, 1852, an unconditional acceptance of the modifications and terms of sale contained in the letter of the Secretary of the Navy, signed by W. H. Aspinwall. By the terms of this agreement it appears, "that Mr. Aspinwall, acting for himself and all other parties interested in the ownership of Mare Island, or claiming any interest in the same," agrees, "on their behalf, and binds them and himself to convey to the U. S., by a good and sufficient deed or deeds, the entire and absolute *fee simple estate* in that tract of land known as Mare Island in California, "including all the tule, or low land and marsh" belonging to the same, or which has ever been reported or claimed to belong to the same, giving a quitclaim or transfer of all the interests of the proprietors in the same, and all privileges, rights or claims, to the waters, harbors and creeks, supposed, or claimed to belong to the said tract, known as Mare Island," in consequence of a certain unascertained balance of an appropriation of $100,000, to be paid by the U. S. upon the receipt of the proper deed or deeds, for a full and perfect conveyance of the title.

Next, in order, is a quitclaim deed, executed by G. W. P. Bissell, W. H. Aspinwall and Mary S. McArthur, on the 4th day of January, 1853, conveying to the U. S., in consideration of the sum of $83,491, "all that tract of land and Island, called and known as Mare Island, on the Bay of San Pablo, as recently surveyed by the board of officers of the U. S., &c., including all the tule, or low lands and marsh belonging to the same, or which has ever been reported or claimed to belong to the same, and all the waters, harbors, bays, creeks, and other water privileges, benefits, advantages, tenements, hereditaments, and appurtenances thereunto belonging," with covenants that the grantees "shall, and will, at the request of the U. S. of America, or their assigns, and at their expense, execute all such further deeds and other assurances, in the law, for the more perfect assurance unto them of the premises purporting to be granted, as shall be reasonably advised by their counsel learned in the law."

The next, is a bond executed to the U. S. by Wm. H. Aspinwall and Sam'l W. Comstock, on the 28th day of February, 1853, in the penal sum of $200,000, which bond, after reciting the substance of the foregoing contract and deed, with covenants of "further assurances executed by the said Aspinwall for himself, and as Attorney of G. W. P. Bissell and Mary S. McArthur," it is conditioned, that the said Aspinwall, Bissell and Mary S. McArthur, "shall, at all times hereafter, indemnify and save harmless, the U. S. against any claim or title to

the said tract, called Mare Island, and its appurtenances, which may be set up by or through any person or persons claiming under Victor Castro and his assigns, or others represented by the said Wm. H. Aspinwall; and shall also indemnify and save harmless, the U. S. against any adverse claim or title, in any other person or persons, or 'body politic,' which may, within two years from the date hereof be made, and thereafter be successfully established against the title proposed to be conveyed by the said Wm. H. Aspinwall, and those with and through whom he claims to hold the same, by which the full and perfect title of the U. S., as derived by the conveyance of the said Aspinwall, and the parties represented by him, may be in any way impaired, diminished or destroyed; and if the said Aspinwall, and those whom he represents, so far as he and they are bound thereto, by the covenant of the deed of conveyance hereinabove referred to, and the contract hereinbefore recited, procure and execute such other conveyance by deed or deeds, as may become necessary for the complete establishment and security of the title in the U. S., in conformity with the true intent of said contract, &c. &c.; in which event, if all such incumbrances, or acts tending to impair the said title, be not forthwith removed or defeated, and by reason of such failure to remove or defeat them, the Secretary of the Navy should think fit to reconvey or relinquish the said land to the grantors, the said W. H. Aspinwall, in that case, should refund to the U. S. the amount which shall have been paid to him as the consideration of the said purchase, with interest at the rate of six per cent. on the same."

From these documents, it is clear that Wm. H. Aspinwall, G. W. P. Bissell and Mary S. McArthur, in consideration of the sum of $83,490, have assumed to convey to the United States, in fee simple, the entire tract or parcel of land known as Mare Island, including the tule, swamp and overflowed portions of the same, with all the bays, creeks and harbors, and are under bonds to refund the money with interest, if they fail to make or secure to the United States a full and perfect title to the same.

It is unnecessary for your Committee to inquire into the probability or possibility of a strict compliance on the part of the grantors with the terms of their agreement—deed and bond. Admitting that the grant of Victor Castro, under which they claim, be valid, and confirmed by the proper tribunals, it may, with propriety, be doubted that this grant vests in the grantee a title in fee to the "bays, creeks and harbors" appurtenant to said Island.

But your Committee have no doubt, from the best information they have been able to obtain, (and upon this point they invite attention to the written opinion and testimony, taken before the Committee, of Hon. G. C. Bates, late U. S. District Attorney,) that the grant under which Castro claimed this Island, will be rejected; in which case, the title to the upland, on said Island, is in the United States, and the title to the tule, swamp, overflowed and beach and water shores of said Island, is in the State of California, as stated in the Special Message of the Governor. The question then arises, will the relinquishment and cession to the United States, contemplated by the bill, in the form in which it passed both Houses, inure to the benefit of the grantors on the deed abovementioned, instead of to the United States, as intended? The State clearly has the title to the swamp and overflowed portions of the Island, and the relinquishment by the State to the United States of these portions, would remove all adverse claims to the same, and thus the United States would become possessed of a full and perfect title to the entire Island, and are saved harmless from the adverse and counter claims which the bond of Aspinwall and Comstock was intended to secure them against.

This accomplished, will not the grantors claim, and with a show of propriety, a substantial compliance with the conditions of the bond? Will they not claim,

that in pursuance of the obligations of their bond, they procured the relinquishment of the State to the U. S. of these overflowed and tule lands?

Your Committee deeply regret the necessity of any delay in the accomplishment of the object contemplated by the bill. Still, we are unwilling to sanction a course which would be likely to result in fraud upon the General Government, and a perversion of the laudable intention of the State. And, believing that sufficient reasons exist for well-grounded suspicions of the result indicated in the Special Message of His Excellency, the Governor, we most respectfully recommend that the bill be not again passed; but that a new bill, so guarded as not to inure to the benefit of private individuals, and to secure to the U. S. the full benefits without loss of the grant contemplated by the old bill, be passed as promptly as practicable.

All of which is respectfully submitted.

R. T. SPRAGUE,
S. B. SMITH,
WM. M. LENT,
B. C. WHITING,
CHAS. A. TUTTLE,
Select Committee.

Mr. Colby, from the Select Committee, to whom was referred Senate Bill, No. 106, for An Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes, reported the same back, recommending its passage, with the following amendment: add to section second, the following words: *provided, however*, that said bonds shall not be sold at a discount of more than twenty-five per centum."

On motion of Mr. Crabb, the amendment was concurred in.

On motion of Mr. Colby, the bill was then considered engrossed, read a third time, and passed.

Mr. Wade moved to take up Senate Bill, No. 70, for An Act to authorize the construction of a Wharf at the Pulgas Rancho, in the County of San Francisco, which was done.

On motion of Mr. Smith, the bill was read a third time, and passed.

Mr. Tuttle offered the following:

Resolved, That the Select Committee, to whom was referred the message of His Excellency, the Governor, in relation to the Leidesdorff Estate, have power to take testimony, and send for persons and papers.

Adopted.

On motion of Mr. Tuttle the opinion of the Attorney-General of the State upon the subject of the Leidesdorff Estate, communicated to the Senate on the 7th instant, was withdrawn from the Committee on the Judiciary, and recommitted to the Select Committee.

Leave being granted, Mr. Catlin introduced a bill for An Act to provide John A. Read with duplicate warrants, in lieu of certain warrants lost or destroyed.

On motion of Mr. Catlin, the bill was read a first and second time, and referred to the Committee on Claims.

Mr. Crenshaw moved to take up Senate Bill, No. 1, for An Act declaring the consent of the Legislature of the State of California to the Purchase, by the United States, of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island; and to vest the jurisdic-

tion over the same in the United States, for the purposes therein specified, which was done.

On motion of Mr. Bryan, the bill was laid on the table.

Mr. Crenshaw, from the Committee on Enrolled Bills, submitted the following :

Mr. President :

The Committee on Enrolled Bills, have examined and find correctly enrolled, An Act to pay James McMahon for services to the State.

JOHN T. CRENSHAW.

Mr. Hagar presented a petition from merchants, ship-owners and citizens of the City of San Francisco, in relation to section thirty-fourth of An Act concerning Pilots, passed February 25th, 1850, praying the repeal of said section.

Read.

On motion of Mr. Hagar, the petition was referred to the Committee on Commerce and Navigation.

Mr. Moore gave notice that he would, at an early day, introduce a bill entitled An Act to authorize Boards of Supervisors of the Counties in this State to levy and collect a County Tax, for the benefit of Fire Departments organized therein.

According to previous notice, Mr. Whiting offered the following as an amendment to the thirty-third rule of the Senate :

Insert after the word "present," in the thirty-third rule, "nor shall the fourteenth rule, at any time, be suspended without the unanimous consent of the Senate :" and strike out the word "shall" in the second line, and insert, after the word "rule," in the same line, the words "be made."

Read.

Mr. Livermore moved to adjourn.

Lost.

Mr. Walkup moved to lay the amendment on the table, which was done.

Mr. Catlin moved to take up Senate Bill for An Act amendatory of an Act fixing the Sessions of the Supreme Court at the Capital of the State.

Agreed to ; and the bill read a second time.

Mr. Hagar moved to refer to the Judiciary Committee.

Mr. Catlin moved to refer to the Sacramento Delegation.

Mr. Tuttle moved to refer to the Committee on Finance.

Mr. Walkup moved to refer to the Committee on Claims.

The vote was then had upon the motion to refer to Judiciary Committee, and the Chair decided that it was lost.

The ayes and nays were demanded by Messrs. Smith, Hagar and McGarry.

Mr. Catlin moved to adjourn.

Mr. Hagar made the point of order, that the motion to adjourn was out of order, pending the call of the ayesand nays.

The Chair, (Mr. Colby in the chair,) decided in opposition to the point of order, and Mr Hagar appealed.

Mr. Coffroth moved to indefinitely postpone the whole subject matter.

The Chair decided the motion out of order, pending the prior appeal, and Mr. Coffroth appealed to the Senate, which the Chair, also, decided out of order.

Mr. Crabb demanded the previous question.

Seconded.

The question then being, "Shall the main question now be put?" the ayes

and nays were demanded by Messrs. Coffroth, Crabb and Hagar, with the following result:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Hook, Kendall, Livermore, May, Peck, Smith, Tuttle and Whiting—13.

NAYS.

Messrs. Coffroth, Hagar, Lyons, Mahoney, McFarland, McGarry, Sawyer, Sprague, Wade and Walkup—10.

The Chair announced that the vote would be had upon Mr. Hagar's appeal, the question being, "Shall the Chair be sustained?"

Upon which the ayes and nays were demanded by Messrs. Coffroth, Smith and McGarry, which resulted as follows:

AYES.

Messrs. Catlin, Leake, May, Sprague, Tuttle and Walkup—6.

NAYS.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hook, Livermore, Lyons, Mahoney, McGarry, Smith, Wade and Whiting—12.

The question next was upon the motion to refer to the Judiciary Committee.

Upon which the ayes and nays were demanded by Messrs. Lyons, McGarry and Coffroth, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crabb, Hagar, Hook, Livermore, Lyons, Mahoney, McFarland, McGarry, Smith and Whiting—12.

NAYS.

Messrs. Catlin, Colby, Crenshaw, May, Peck, Sawyer, Sprague, Tuttle, Wade and Walkup—10.

And the bill was so referred.

Mr. Peck moved to adjourn, and the ayes and nays were demanded by Messrs. Crabb, McGarry and May, with the following result:

AYES.

Messrs. Bryan, Coffroth, Crenshaw, Hagar, Hook, Livermore, Lyons, Mahoney, Peck, Sprague, Wade, Walkup and Whiting—13.

NAYS.

Messrs. Catlin, Colby, Crabb, May, McFarland, McGarry, Sawyer, Smith and Tuttle—9.

So the Senate then adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, March 30, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Keene, Chairman of the Committee on Public Lands, reported back a bill for An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold, use and occupy certain lands in the Bay of San Francisco, with a remonstrance against the passage of the same, recommending that the bill be indefinitely postponed.

The report was accepted and laid on the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No 102, for An Act amendatory of an Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1852; and,

Senate Bill, No. 34, for An Act to pay James McMahon for services to the State.

B. McALPIN, Clerk.

Mr. Cofforoth gave notice that he would, on to-morrow, introduce an additional standing rule to prevent smoking in the Senate Chamber.

Senate Bill for An Act concerning the Comptroller's and Treasurer's Offices, was taken from the table.

Mr. Crabb moved that the Senate concur with the amendment of the Committee.

Agreed to.

On motion of Mr. Crenshaw, the bill was read a third time and passed.

Leave being granted, Mr. May introduced a bill for an Act to authorize C. N. Thornbury and Charles McDermit to construct and build a road from Yreka to Crescent City, and to establish a Ferry across the Klamath River.

Read a first and second time, and referred to the Committee on Roads and Highways.

Assembly Bill for An Act to Incorporate the Town of Alameda, was taken from the table.

Mr. Crenshaw moved that the Senate concur in the amendment of the Committee.

Agreed to.

Mr. Whiting moved to reconsider the vote just had.

Agreed to.

Mr. Whiting moved to strike out "fifteen" and insert "fifty."

Upon which the ayes and nays were demanded by Messrs. Tuttle, Coffroth and McGarry, with the following result:

AYES.

Mr. Whiting—1.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Hagar, Hook, Hudspeth, Keene, Kurtz, Leake, Livermore, Lyons, Mahoney, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Tuttle, Wade and Walkup—24.

Mr. Whiting moved to strike out "fifteen" and insert "twenty-five."

Mr. Wade called for a division of the question, and the Senate refused to strike out.

Mr. Whiting moved to strike out "fifteen" and insert "twenty-five."

Lost.

Mr. Coffroth moved to strike out "fifteen" and insert "ten."

Carried.

Mr. Whiting moved to lay the bill upon the table.

Lost.

The bill was read a third time.

Mr. Whiting moved to recommit, with instructions to strike out second section.

Lost.

The question being, "Shall the bill pass?" it was decided in the affirmative.

Mr. McFarland, Chairman of the Committee on Education, submitted the following report:

Mr. President:

The Committee on Education, to whom was referred the report of the Superintendent of Public Instruction, with instructions to report on the propriety of printing any portion or all of the same, ask leave to say:

That after having examined the report fully and carefully, they find it has been prepared with great care and labor, and contains much valuable information relative to proper legislation on the subject of education and important instruction, which, if generally circulated among the people, would, doubtless, have a tendency to foster and improve our present system of school teaching; and, also, explains properly our school laws, thereby enabling every one to receive a proportionate revenue that has been set apart for each school district. It is well known, that many of the Counties received none of the school money distributed last year, for want of a proper knowledge of the law.

That every advantage may be given to render popular the most important system for the diffusion of knowledge throughout the entire community, no opportunity should be neglected to give publicity to all the new and important facts that may be suggested, from time to time, by the Superintendent of Public Instruction for the benefit of our educational system.

Your Committee would, therefore, recommend that the entire report be printed; and beg leave to be discharged from further consideration of the subject.

McFARLAND,
Chairman of Committee.
C. H. BRYAN.

Mr. McFarland moved that a thousand copies of the Annual Report of the Superintendent of Public Instruction be ordered printed.

Mr. Hagar moved to lay the motion on the table.

Upon which the ayes and nays were demanded by Messrs. Sawyer, Tuttle and McFarland with the following result:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hook, Livermore, Lyons, Sawyer, Sprague and Tuttle—11.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Kendall, Kurtz, Leake, Mahoney, May, McFarland, McGarry, Peck, Wade and Walkup—13.

Mr. Mahoney submitted the following:

Resolved, That one thousand copies of the Report of the Ex-Superintendent of Public Instruction, be ordered printed in pamphlet form, properly stitched; *provided*, they do not cost the State over one thousand dollars.

Mr. Livermore submitted the following substitute:

Resolved, That one thousand copies of the report be printed as soon as the printing law is passed, and the State Printer elected.

The subject was laid, temporarily, upon the table.

Mr. Sprague submitted the following report:

Mr. President:

The Finance Committee, in accordance with the instructions of the Senate

heretofore given, beg leave to report, that they have had under consideration the various bills referred to them, amending the Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May 18, 1853, and report the same back with a substitute for all, embracing in one bill an amendment of the entire Revenue Law, except that portion relating to Bridges and Ferries, for which article of said law, your Committee propose to substitute a separate bill.

Respectfully,

R. T. SPRAGUE,
Chairman.

A bill for An Act to provide Revenue for the Support of the Government of this State.

Read a first and second time, and made the special order of the day for Wednesday the 5th of April, 1854, and two hundred and forty copies ordered printed.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrolled Bills, have examined and find correctly enrolled, the following: An Act fixing the compensation of the County Judges of Santa Barbara and Santa Clara Counties;

An Act entitled an Act to create the County of Stanislaus;

An Act declaring Mission Creek in the County of San Francisco, a navigable Stream; and,

A Joint Resolution, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

SAM. B. SMITH,
Chairman.

The consideration of the Resolutions was resumed; and,

On motion of Mr. Smith, the whole subject was laid upon the table.

Mr. Tuttle moved that the Senate adjourn.

Lost.

On motion of Mr. Smith, Senate Bill for An Act concerning County Judges, was taken up.

Mr. Smith moved that the Senate concur in the amendments of the Assembly.

Upon which the ayes and nays were demanded by Messrs. Smith, Crenshaw and Hagar, which resulted as follows:

AYES.

Messrs. Bryan, Catlin, Coffroth, Crabb, Hudspeth, Kendall, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—13.

NAYS.

Messrs. Colby, Crenshaw, Hagar, Hook, Lyons, Mahoney, May, Tuttle and Whiting—9.

The following message was received from the Assembly :

Mr. President :

I am directed to inform the Senate that the Assembly passed, on the 24th inst., An Act amendatory of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

They also passed, on yesterday, Senate Bills, An Act to provide for Building and Furnishing a Jail in Sacramento County;

An Act relative to transferring Actions and Proceedings from one Court to another Court, and have amended the same as therein shown;

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, and have amended the same as therein shown; and,

Senate Bill, An Act concerning County Judges, and have amended the same as therein shown.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. Smith, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr. President :

The Joint Committee on Enrolled Bills have, this day, delivered to the Governor for his approval, An Act to change the name of William Meyer to William Meyer Elton;

An Act amendatory to an Act Incorporating the City of Marysville, and to Acts supplementary and amendatory thereto;

An Act to authorize the Court of Sessions of the County of Placer to reimburse William E. Smith and Isaac Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains;

A Joint Resolution in relation to the Board of United States Land Commissioners; and,

A Joint Resolution in relation to the establishment of a Watering Place in Humboldt Desert.

SAM. B. SMITH,
Chairman.

Mr. Crabb moved to take up a Bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, passed May 17, 1853.

Agreed to.

Mr. Tuttle moved that the Senate adjourn.

Lost.

The question being on ordering the bill to a third reading, the ayes and nays were demanded by Messrs. Hagar, Crenshaw and Whiting, with the following result:

AYES.

Messrs. Catlin, Coffroth, Crabb, Hudspeth, Kendall, May, McGarry, Peck, Sawyer, Smith and Wade—11.

NAYS.

Messrs. Bryan, Colby, Crenshaw, Hagar, Hook, Mahoney, Moore, Tuttle, Walkup and Whiting—10.

Mr. Tuttle moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Hagar and Bryan, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Colby, Hagar, Hudspeth, Mahoney, Moore, Tuttle, Walkup and Whiting—9.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Hook, Kendall, May, McFarland, McGarry, Peck, Sawyer, Smith and Wade—12.

Mr. Whiting moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Whiting and Hagar, which resulted as follows:

AYES.

Messrs. Bryan, Crenshaw, Hagar, Mahoney, Tuttle and Whiting—6.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crabb, Hook, Hudspeth, Kendall, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Wade and Walkup—16.

Mr. Hagar moved that the bill lie upon the table.

Upon which the ayes and nays were demanded by Messrs. Hagar, Tuttle and Whiting, with the following result:

AYES.

Messrs. Bryan, Colby, Crenshaw, Hagar, Mahoney, Moore, Tuttle, Walkup and Whiting—9.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Hook, Hudspeth, Kendall, May, McFarland, McGarry, Peck, Sawyer, Smith and Wade—13.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Tuttle, Crenshaw and Hagar, which resulted as follows:

AYES.

Messrs. Catlin, Coffroth, Crabb, Kendall, Leake, May, McGarry, Peck, Sawyer, Smith, Tuttle and Wade—12.

NAYS.

Messrs. Bryan, Colby, Crenshaw, Hagar, Hook, Mahoney, Moore, Walkup and Whiting—9.

Mr. Tuttle gave notice that, on to-morrow, he would move for a reconsideration of the vote just had.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, March 29, 1854.

To the Senate of California:

I have, this day, approved an Act which originated in the Senate, entitled An Act to pay James McMahon for certain services to the State.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, March 30, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to change the name of William Meyer to William Meyer Elton;

An Act to authorize the Court of Sessions in the County of Placer to reimburse Wm. D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains; and,

An Act amendatory to an Act Incorporating the City of Marysville, and to Acts supplementary and amendatory thereto.

JOHN BIGLER.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, March 31, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back Senate Bill, No. 36, for An Act to amend an Act to regulate Proceedings in Criminal Cases, with amendments, recommending its passage.

Mr. Hagar submitted the following:

Mr. President:

The Committee on the Judiciary, to whom was referred An Act amendatory to an Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852, have had the same under consideration, and beg leave to report it back with the accompanying amendments, and recommend it be passed as amended:

SEC. 1. Lines eleven and twelve, strike out the following words: "admission of this State as one of the United States of America," and insert, "adoption of the Constitution of this State by the people." Line twenty-six, strike out all the proviso following the word "section."

JOHN S. HAGAR,
Chairman.
C. H. BRYAN,
J. W. COFFROTH,
R. T. SPRAGUE,
B. C. WAITING.

Mr. Hagar submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred the communication from Messrs. Washington, Geiger & Snyder, having had the same under consideration, ask leave to return it to the Senate, with the following report:

On the 3d of February, 1853, a Joint Resolution, without any enacting clause, was passed by the Legislature, then in session, authorizing the Governor and Comptroller of State to enter into a contract on behalf of the State with George Kerr, to execute the public printing from and after the first day of February, 1853, and until otherwise directed by law, with provisos limiting, and, in certain respects, directing the terms of the contract.

It is questionable whether this Joint Resolution ever had any legal effect, or conferred any authority upon the Governor and Comptroller, inasmuch as, under

the direction of the Constitution, laws can only be passed by bill, and the enacting clause of every law shall be, "The People of the State of California, represented in Senate and Assembly, do enact as follows."

(See Constitution of Cal., Art. 4, Sections 1, 16. Also, opinion of the Attorney-General, Senate Journal of 1853; Appendix, Doc. No. 76.)

This Joint Resolution, then, has not the requisites, under the Constitution, to give it the effect or authority of law; but under its provisions, it is said, a contract was made with George Kerr to execute the State Printing. He entered upon the performance of this contract, and continued to execute the printing of the State up to the time of his death, which occurred about the first of this month.

On the 7th of March, instant, Messrs. Washington, Geiger & Snyder, presented to the Senate the communication above referred to, therein claiming to be the surviving partners of Mr. Kerr; as such, apparently assuming to be legally entitled to proceed in executing the State printing under the contract made with Mr. Kerr, and tendering themselves ready to give additional bonds for the faithful performance of said printing.

Whether or not, the gentlemen referred to are surviving partners of Mr. Kerr, your Committee have no positive evidence before them; but, assuming such to be the fact, we are of opinion, that as surviving partners, they do not succeed Mr. Kerr in this contract, made under the Joint Resolution referred to, and are not legally entitled to proceed in executing the same.

Suppose the contract to be a valid one, binding upon the State and Mr. Kerr, and at, or subsequent to, the time of its date, Messrs. Washington and others were his partners under agreements entered into between them. By the death of Mr. Kerr, this partnership was dissolved, and it became the duty of the surviving partners, thenceforth, to cease altogether from carrying on the business thereof. (See Story on Partnership, section 343.)

In the same work, section 344, Judge Story further remarks: "Although as to future dealings the partnership is terminated by the death of one partner, yet for some purposes it may be said to subsist, and the rights, duties, powers and authorities of the survivors remain, so far as is necessary to enable them to wind up and settle the affairs of the partnership."

As between the legal representative of Mr. Kerr, and his surviving partners, the latter may wind up and settle all matters that have transpired relative to State printing, (if they had an interest therein,) prior to the period of Mr. Kerr's death; but subsequent to that period, the performance of the contract would, if upon any person, devolve upon the executor or administrator of Mr. Kerr, and not upon the surviving partners.

Your Committee, therefore, are of the opinion—

1. That at the present time, no person is legally authorized to act as State Printer.

2. That Messrs. Washington, Geiger & Snyder, as surviving parters to Mr. Kerr, do dot succeed to his interest in the contract made with or in behalf of the State, and have no legal right to execute any printing for the State under said contract.

3. That if any person whatever can claim the right to execute the unexpired contract with Mr. Kerr, it is his executor or administrator.

Respectfully submitted,

JOHN S. HAGAR,
Chairman.

R. T. SPRAGUE,
C. H. BRYAN,
B. C. WHITING,
G. D. HALL,
SAM. B. SMITH.

Mr. Coffroth submitted the following report:

Mr. President:

The Committee on Federal Relations, have had under consideration Senate Joint Resolutions and Memorial to Congress in relation to postage in California, and respectfully report the same back, with a recommendation that they be negatived.

JAMES W. COFFROTH,
Chairman.
C. H. BRYAN.

Mr. Tuttle submitted the following minority report:

Mr. President:

The undersigned, one of the Committee on Federal Relations, to whom was referred the Concurrent Resolution and Joint Memorial in relation to Postage in California, beg leave respectfully to report:

That from the best information he is able to obtain, the number of letters which are sent from California, and from one point to another in California, by mail, exceeds three millions annually, and that under the present rates of postage, the revenue derived from postage in California falls behind the expenses of the department. The undersigned would further state, that a great proportion of the mining districts in said State, are deprived of all mail facilities, for the reason that the department are unable to afford any remuneration for carrying the mail in those districts. The undersigned, further believes, that if the rates of postage on letters was raised to ten cents on each letter sent from California, and from one place to another, in California, to be paid uniformly, in advance, as recommended in the memorial, that the revenue derived from postage in California would be augmented by, at least, one hundred and fifty thousand dollars per year, a sum which would be amply sufficient to pay for the transportation of a weekly mail to all the principal points in the mountain districts. The undersigned, further believes, that this small increase of postage would be most cheerfully borne by the people of California.

The undersigned, therefore, respectfully recommends the passage of the memorial and resolution.

CHAS. A. TUTTLE,
Of Committee.

The reports were accepted and laid upon the table.

Mr. Crabb submitted the following:

Mr. President:

The undersigned Members of the Judiciary Committee, have had under consideration the bill to be entitled An Act amendatory to an Act concerning Fugitives from Labor, and Slaves brought to this State prior to its admission into the Union, passed April 15, 1852, and recommend its passage without amendment.

H. A. CRABB,
A. P. CATLIN,
SAM. B. SMITH.

Mr. Sprague, of the Judiciary Committee, reported back a bill for An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, and to repeal An Act entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851, recommending its passage.

The report was accepted, and laid upon the table.

According to previous notice, Mr. Coffroth submitted the following as Rule 47.

"Smoking shall not be allowed at any time in the Senate Chamber or lobby."

Mr. Smith submitted as a substitute:

"No smoking shall be allowed within the bar of the Senate during its session."

On motion of Mr. Sprague, they were referred to the Committee on Vice and Immorality.

Assembly Bill, No. 174, for An Act amendatory of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to the Committee on Counties and County Boundaries.

Senate Bill, No. 47, for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, taken up; and,

On motion of Mr. Bryan, again laid upon the table.

Senate Bill, No. 55, for An Act relative to transferring Actions and Proceedings from one Court to another Court, was taken up.

Mr. Bryan moved that the bill lie upon the table.

Lost.

The Senate refused to concur in the amendment of the Assembly.

Mr. Smith moved that a Committee of Conference be appointed.

Agreed to; and Messrs. Smith, Bryan and Hagar were appointed said Committee.

Leave being granted, Mr. Bryan introduced a bill for An Act entitled an Act providing that the Court of Sessions of Yuba County shall be empowered to levy and cause to be collected, a Special Tax for the purpose of erecting Public Buildings and the improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose.

Read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. May, Assembly Bill for An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union in Humboldt County, was taken from the table.

Mr. Hagar moved to strike out the second section.

Mr. Crabb moved to amend the motion, by striking out in third line of the second section the words "one hundred" and insert "fifty."

The amendment was adopted.

The President decided the motion to strike out the section, lost, by the adoption of the amendment.

Mr. Tuttle moved to recommit the bill to the Committee on Corporations.

Lost.

Mr. Hagar moved to strike out the third section.

Lost.

Mr. Hagar moved to amend the first section, by adding, "*provided*, the owners of said wharf shall only charge such fees for wharfage as may be fixed and approved by the Court of Sessions of said County of Humboldt."

Adopted.

The bill was read a third time, and the question being, "Shall the bill pass?" the ayes and nays were demanded by Messrs. May, Whiting and Hagar, which resulted as follows:

AYES.

Messrs. Catlin, Crenshaw, De La Guerra, Hall, Hudspeth, Kendall, Kurtz, May, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins, Wade and Whiting—16.

NAYS.

Messrs. Bryan, Hagar, Hook, Livermore, Lyons, Sprague, Tuttle and Walkup—8.

Mr. Tuttle moved to reconsider the vote by which Senate Bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and repeal a like Act, passed April 22, 1850, passed May 17, 1853.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Whiting and Crenshaw, with the following result:

AYES.

Messrs. Bryan, Crenshaw, De La Guerra, Hagar, Hall, Hook, Livermore, Lyons, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup and Whiting—15.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Hudspeth, Kendall, Kurtz, Leake, May, McGarry, Peck, Sawyer, Smith and Wade—13.

The ayes and nays upon the passage of the bill were demanded by Messrs. Tuttle, Whiting and Bryan, and it was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crabb, Kendall, Kurtz, Leake, May, McGarry, Peck, Sawyer, Smith and Wade—12.

NAYS.

Messrs. Bryan, Crenshaw, De La Guerra, Hagar, Hall, Hook, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup and Whiting—16.

Mr. Crenshaw submitted the following resolution:

Resolved, By the Senate and Assembly of the State of California, that the thanks of the Legislature are due, and are hereby tendered to the Hon. Wm. M. Gwin, and the Hon. John B. Weller, our Senators, and the Hon. James A.

McDougall, and the Hon. M. S. Latham, our Representatives in the Congress of the United States, for their industry and indefatigable energy in their efforts to advance the interest of California, by introducing and urging upon the consideration of Congress, the various bills which they have presented touching our interests, and

Resolved, That His Excellency, the Governor, be required to forward a copy of the above resolution to each of our Senators and Represenatives in Congress.

The resolutions were read a first time, and, objection being made to the second reading, were laid over under the rule.

A communication was received from the Secretary of State relative to stationery, fuel, &c. for the use of the Legislature, which was read; and,

On motion of Mr. Hagar, referred to the Committee on Finance.

On motion of Mr. Hagar, Senate Bill, No. 47, for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Taken from the table, and the amendments of the Assembly concurred in.

A memorial of citizens of San Francisco, claiming ownership of a certain block of property in said city, was,

On motion of Mr. Hagar, referred to the Committee on Public Lands.

On motion of Mr. Tuttle, a Concurrent Resolution and Joint Memorial of the Senate and Assembly in relation to Postage in California, was taken up.

Mr. Moore moved to postpone the consideration of the resolution and memorial.

Mr. Tuttle moved a call of the Senate.

Agreed to; and the following Senators were found absent without leave: Messrs. Bryan, Gardner, De La Guerra, Hudspeth, Kurtz, Leake, Lent, Mahoney, McFarland, Smith and Stebbins.

Mr. Whiting moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Sprague moved to lay the resolution and memorial on the table.

Lost.

Upon the adoption of the resolution and memorial, the ayes and nays were demanded by Messrs. Tuttle, Livermore and Coffroth, with the following result:

AYES.

Messrs. Catlin, Colby, Hall, Hook, Livermore, May, Sawyer, Sprague, Tuttle, Wade and Walkup—11.

NAYS.

Messrs. Coffroth, Crabb, Crenshaw, Kendall, Lyons, Moore, McGarry, Peck and Whiting—9.

The following message was received from the Governor:

Executive Department,
Sacramento City, March 31, 1854.

To the Senate of California:

I have, this day, approved An Act which originated in the Senate, entitled an Act fixing the compensation of the Connty Judges of Santa Barbara and Santa Clara Counties.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 22d inst., a Joint Resolution relative to lands donated to this State by the United States.

They passed on the 28th inst., An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed May 17, 1853, and an Act to fix the salary of the Judge of Placer County, approved May 18, 1853;

An Act to Locate the County Seat of Sonoma County anew;

Also, on the 29th inst., An Act to amend the seventh section of an Act entitled an Act to Incorporate the City of San José, passed March 27, 1850;

An Act to provide for the erection of Public Buildings in the County of Napa; and,

An Act to extend the time for the final settlement of the Collector of Butte County.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. Sprague submitted the following resolution:

Resolved, That the Comptroller and Treasurer of State be, and they are hereby requested, to furnish to the Senate, at their earliest convenience, a statement of the Civil Expenditures of the Government of this State for the current fiscal year, which accrued prior to the 1st day of February, 1854, and to meet which, no appropriations are made, and also, such other current expenses of the present fiscal year, and the first seven months of the next, as the public service will in their judgment demand, that are not provided for by specific appropriations; and that such statement of expenditures, whether past or prospective, be made in items, so that specified appropriations may be made to meet the same.

The resolution was adopted.

On motion of Mr. Whiting, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

SATURDAY, April 1, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Tuttle submitted the following:

Mr. President :

The Committee on Engrossed Bills respectfully report, that they have examined a bill for An Act in respect to Insurance of Lives for the benefit of Married Women, and find the same correctly engrossed.

CHAS. A. TUTTLE,
Chairman.

Assembly Bill, No. 168, for An Act to extend the time for the final settlement of the Collector of Butte County.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill, No. 180, for An Act to provide for the erection of Public Buildings in the County of Napa.

Read a first and second time, and referred to Mr. McGarry.

Assembly Bill, No. 184, for An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed May 17, 1853, and An Act to fix the Salary of the Judge of Placer, County, approved May 18, 1853.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill, No. 201, for An Act to amend the seventh section of an Act entitled an Act to Incorporate the City of San José, passed March 27, 1850.

Read a first and second time, and laid upon the table.

Assembly Bill, No. 199, for An Act to locate the County Seat of Sonoma County anew.

Read a first and second time, and referred to Mr. Hudspeth.

Assembly Joint Resolutions, No. 123, relative to Lands donated to this State by the United States.

Read a first and second time, and referred to the Committee on Public Lands.

Mr. Keene moved to take from the table, Senate Bill, No. 99, for An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold, use and occupy certain Lands in the Bay of San Francisco.

Agreed to.

Mr. Coffroth moved to lay the bill upon the table.

Lost.

Mr. Tuttle moved to reconsider the vote just had.

Lost.

The recommendation of the Committee on Public Lands to indefinitely postpone the bill, was adopted.

Leave being granted, Mr. Hagar introduced a bill for An Act to amend an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25, 1850.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Hagar in the chair.

Senate Bill for An Act to amend an Act to regulate Proceedings in Criminal Cases.

Taken from the table, and after some time spent in the consideration thereof, was, on motion of Mr. Bryan, recommitted to the Judiciary Committee.

Mr. Smith submitted the following:

Resolved, That the Committee on Enrolled Bills be authorized to employ an Assistant for the Enrolling Clerk, whenever the Clerk shall deem one necessary.

Mr. Tuttle offered the following substitute:

Resolved, That the Enrolling Clerk be authorized to employ assistance, when requisite.

Mr. Bryan moved to lay the subject on the table.

Lost.

Mr. Walkup moved to postpone the consideration of the subject for one week.

Lost.

The vote being on the substitute.

Lost.

The vote recurring upon the original resolution.

Adopted.

Leave being granted, Mr. Sprague introduced a bill for An Act to authorize the Redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their redemption.

Read a first time, and, objection being made, it was laid over.

The following message and accompanying document was received from the Governor:

Executive Department,
Sacramento City, March 31, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit, for the consideration of the Legislature, a copy of a communication received on the 25th inst., from the Clerk of the Fourth Judicial District, notifying the Executive that the "Hon. Delos Lake, Judge of the Fourth Judicial District, left the City of San Francisco on the steamer which sailed on the 16th inst., for the Atlantic States."

It is understood that the present Legislature, by resolution, (which resolution, it is proper to state, was presented for my approval,) granted permission to Judge Lake to absent himself from the State for four months.

The certificate of the Clerk, herewith transmitted, is accompanied by a com-

munication from the same officer, requesting the Executive "to direct some other District Judge to perform the duties of Judge Lake during his absence from the State;" and also stating, that "the number of causes on calendar of February and March term is two hundred and twenty; on calendar of next term, April and May, two hundred and fifty; total number at issue, four hundred and seventy; probable number not at issue, three hundred."

On a former occasion, in accordance with the provisions of the Act concerning Courts of Justice of the State and Judicial Officers, and before I had given the subject thorough examination, I exercised the power, and directed one District Judge to officiate in the District of another.

Since that time, however, I have given the subject careful consideration, and satisfied myself that the exercise of such power is not within the scope of Executive duty, and clearly at variance with the spirit, if not the letter of the Constitution.

The practice of granting leave of absence to the most important and indispensable of our State Officers, and requiring their duties to be performed by others, is unjust to the people of the several Districts, and may be dangerous to their rights and interests.

The Constitution declares that the Judges of the several Courts shall be elected by the people, in Districts, and makes no provision for substitution by the Judge himself, or appointment by the Executive, *except in case of vacancy*. This privilege of choosing Judges to determine their controversies, it is maintained, cannot, even for a day, be divested or infringed upon by Legislation.

The Clerk not having given notice to the Executive of *a vacancy*, but merely a *temporary absence, with leave*, I do not feel authorized to proceed to appointment in conformity with the fifteenth section of the Act of 1853, or the eighth section of article five of the Constitution, until the Clerk shall have certified to such *vacancy*, resulting from the absence of Judge Lake from the State, in contravention of the ninety-first section of the Act approved May 19, 1853, which declares that "a Judge of the Supreme Court, or of the District Court, or of the Superior Court of the City of San Francisco, or of a County Court, *shall not absent himself from the State.*"

In the present case, leave of absence has been granted by a Concurrent Resolution, in effect repealing the section of law above referred to, which repeal can only be constitutionally effected by the passage of an Act with all the formalities and requirements prescribed by the first section of the fourth article of the Constitution.

Entertaining these views, and appreciating the importance of some speedy and Constitutional action for the relief of the people of the Fourth Judicial District, I have deemed it my duty to commend the subject to the immediate consideration of the Legislature.

JOHN BIGLER.

The message was read and referred to the Judiciary Committee.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly, on yesterday, refused to recede from their amendment to Senate Bill, No. 55, in relation to removal of Actions and Proceedings from one Court to another Court, and have appointed Messrs. Myres, Griffith and Ashley, as a Committee of Conference.

They passed Senate Bill, No. 70, An Act to authorize the construction of a Wharf at the Pulgas Rancho in the County of San Francisco;

Senate Bill, No. 100, An Act to declare the head of Navigation on the Tuolumne River;

Senate Bill, No. 106, for An Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain Purposes;

Assembly Bill for An Act to authorize the Incorporation of the City of San Bernardino; and,

An Act explanatory of an Act to Incorporate the City of Los Angeles, approved April 4, 1850.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 183, for An Act explanatory of an Act entitled an Act to Incorporate the City of Los Angeles, approved April 4, 1850.

Read a first and second time, and referred to Mr. McFarland.

Assembly Bill, No. 202, for An Act to authorize the Incorporation of the City of San Bernardino.

Read a first and second time, and referred to Mr. McFarland.

On motion of Mr. Crenshaw, Senate Joint Resolutions tendering the thanks of the Legislature to our Senators and Representatives in Congress, was taken up.

Read a second time.

Mr. Crenshaw moved they be referred to the Committee on Federal Relations.

Mr. Bryan moved to amend by referring to the Committee on Public Lands.

The amendment was lost, and the resolutions were referred to the Committee on Federal Relations.

Mr. Smith submitted the following:

Mr. President:

The Committee on Enrolled Bills have examined and find correctly enrolled:

An Act concerning County Judges;

An Act amendatory of an Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1851;

An Act to provide for Building and Furnishing a Jail in Sacramento County; and,

An Act to authorize the Construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

SAM. B. SMITH,
Chairman.

On motion of Mr. Sprague, a bill for An Act to authorize the redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their redemption.

Read a second time, and referred to the Committee on Finance.

Mr. Colby submitted the following:

Mr. President:

The Committee on Vice and Immorality, to whom was referred proposed amendments to the Standing Rules of the Senate, by adding a new Rule, 47, respectfully report, that, after consideration, the Committee would recommend the adoption of the Rule as originally introduced, in preference to the substitute.

G. W. HOOK,
G. W. COLBY.

The report was accepted and laid upon the table.

Leave being granted, Mr. Bryan introduced a bill for An Act allowing the Court of Sessions of Yuba County to levy a Special Tax for the support of the Indigent Sick of said County.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Bryan moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Bryan and Smith, which resulted as follows:

AYES.

Messrs. Bryan, De La Guerra, Hagar, Kendall, McFarland and Smith—6.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Hall, Hook, Kurtz, Leake, McGarry, Peck, Sawyer, Sprague, Tuttle, Wade, Walkup and Whiting—16.

Mr. Colby moved to take from the table the report of the Committee on Vice and Immorality.

Lost.

Mr. Crenshaw moved that the Senate adjourn.

Lost.

On motion of Mr. Sprague, a bill for An Act to amend an Act entitled an Act Concerning Crimes and Punishments, passed April 16, 1850, and to repeal An Act to amend an Act entitled an Act Concerning Crimes and Punishments, passed April 22, 1851, was taken from the table.

Mr. Bryan moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Leake and Kurtz, with the following result:

AYES.

Messrs. Bryan, De La Guerra, Hagar, Kurtz, Moore, McFarland, Peck, Sawyer and Wade—9.

NAYS.

Messrs. Catlin, Coffroth, Colby, Hall, Hook, Leake, McGarry, Sprague, Tuttle and Walkup—10.

Mr. Leake moved that the bill lie upon the table.

No quorum being present.

Mr. McGarry moved a call of the Senate.

Lost.

On motion of Mr. Sprague, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, April 3, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Spear.

No quorum present.
Mr. Moore moved that the Senate adjourn.
Upon which the ayes and nays were demanded by Messrs. Crenshaw, McGarry and Walkup, which resulted as follows:

AYES.

Messrs. Coffroth, De La Guerra, Keene, Kurtz, Moore, McFarland, McGarry and Peck—8.

NAYS.

Messrs. Crenshaw, Hook, Hudspeth, Sawyer, Sprague, Tuttle and Walkup—7.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, April 4, 1854.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journals of Saturday and Monday were read and approved.

Mr. Crabb presented a remonstrance of citizens of Sonoma County against the change of the County seat.

Read and referred to Mr. Hudspeth.

Mr. McFarland, to whom was referred Assembly Bill for An Act to authorize the Incorporation of the City of San Bernardino, reported it back without amendment, recommending its passage.

Read a third time and passed.

Mr. Sprague, Chairman of the Committee on Finance, reported back without amendment, a bill for An Act to authorize the redemption of State Prison Bonds, and to dispose of the Special Fund, heretofore provided for their redemption, recommending its passage.

Accepted; and laid upon the table.

Mr. Keene, Chairman of the Committee on Public Lands, reported back Assembly Joint Resolutions and Memorial relative to Lands donated to this State by the United States, recommending their adoption.

Accepted; and laid upon the table.

On motion of Mr. May, Assembly Bill for An Act to Incorporate Crescent City, was taken from the table, and considered as in Committee of the Whole.

The bill was reported back with sundry amendments, which were concurred in by the Senate.

Mr. Tuttle moved to recommit the bill, with instructions to insert limitations to the powers of assessments and borrowing money.

Lost.

The bill was then read a third time and passed.

Leave being granted, Mr. Coffroth introduced a bill for An Act supplementary to An Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

Read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. Hook introduced a bill for An Act for the relief of H. S. Jackson and William Buchanan.

Read a first and second time, and referred to the Committee on Claims.

Mr. Crabb submitted the following:

Resolved, By the Senate, the Assembly concurring, that the Legislature will adjourn *sine die* on the first Monday of May next.

Read and laid on the table.

Mr. Smith submitted the following:

Mr. President:

The Joint Committee on Enrollment, on Saturday, the 1st instant, presented to His Excellency, the Governor, for his approval, the following Acts, viz:

An Act to authorize the Construction of a Wharf at the Pulgas Rancho, in the County of San Francisco;

An Act concerning County Judges;

An Act amendatory of an Act concerning the Office of Public Administrator, and making it Elective, passed April 15, 1851;

An Act to provide for Building and Furnishing a Jail in Sacramento County; and,

An Act to provide for the Payment of the Official Reporters to Senate.

SAM. B. SMITH,
Chairman.

Mr. Moore moved to take up An Act concerning Corporations for establishing Rural Cemeteries.

Agreed to.

On motion of Mr. Sprague, the bill was again laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Respectfully,
B. McALPIN, Clerk.

Assembly Bill, No. 100, for An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Keene, Assembly Joint Resolutions relative to Lands donated to this State by the United States, was taken from the table.

The President announced that the hour for the consideration of the special order had arrived, which was Joint Resolutions in relation to the Nebraska Bill, introduced into the U. S. Senate by Senator Douglas from Illinois, on the 23d day of January, 1854.

The Resolutions were considered as in Committee of the Whole, and reported back, with a substitute offered by Mr. Bryan, and leave asked to sit again.

Granted.

Mr. Lyons moved that the usual number of copies be ordered printed.

On motion of Mr. Crabb, the whole subject was laid upon the table.

The consideration of Assembly Joint Resolutions relative to Lands donated to this State by the United States, was resumed.

Mr. Sprague moved that the Resolutions be laid upon the table.

Lost.

Mr. Whiting moved to lay the resolution on the table.

Lost.

Mr. Whiting moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Whiting, Leake and Tuttle, which resulted as follows:

AYES.

Messrs. Bryan, Colby, Leake, Lyons, May, Sawyer, Sprague, Tuttle and Whiting—9.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, McFarland, McGarry, Peck, Wade and Walkup—13.

Mr. Lyons called for the reading of the memorial and resolutions.

Objections being made, the Senate decided in the negative.

Mr. Lyons moved to lay upon the table.

Lost.

The vote being upon the passage of the Joint Resolutions, the ayes and nays were demanded by Messrs. Colby, Whiting and Tuttle, which resulted as follows:

AYES.

Messrs. Catlin, Crabb, Gardner, Hook, Hudspeth, Keene, McFarland, McGarry, Peck, Wade, Walkup and Whiting—12.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Lyons, May, Sawyer and Tuttle —8.

Mr. Whiting gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Tuttle moved to amend the title by substituting "Joint Resolutions to authorize Speculators to deprive Pre-emptors and Settlers of their Lands."

Which the Chair decided out of order.

Mr. Tuttle appealed from this decision, and the Chair was sustained.

On motion of Mr. Sawyer, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, April 5, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. McFarland, to whom was referred Assembly Bill for An Act explanatory of an Act entitled an Act to Incorporate the City of Los Angeles, approved April 4, 1850, reported it back without amendment, recommending its passage.

On motion of McFarland, the bill was read a third time and passed.

Mr. McGarry, to whom was referred Assembly Bill for An Act to provide for the erection of Public Buildings in the County of Napa, reported it back without amendment, recommending its passage.

On motion of Mr. McGarry, the bill was read a third time and passed.

Mr. Coffroth, of the Judiciary Committee, to whom was referred An Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853, reported it back without amendment, recommending its passage.

On motion of Mr. Coffroth, the bill was read a third time and passed.

Senate Bill, No. 107, for An Act explanatory of an Act entitled an Act to fix the Sessions of the Supreme Court at the Capital of the State, passed March 24, 1854.

Read a second time and laid on the table.

Senate Bill, No. 77, for An Act in respect to Insurance of Lives for the benefit of Married Women.

Read a third time and passed.

Mr. Whiting moved to reconsider the vote of yesterday, by which Assembly Joint Resolutions and Memorial, in relation to Lands donated to this State by the United States, was passed.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Sawyer and Hall.

The motion was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Kendall, Livermore, Lyons, Sprague and Tuttle—10.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kurtz, Lent, McFarland, McGarry, Sawyer, Smith, Wade, Walkup and Whiting—15.

Mr. Whiting was permitted to change his vote, having voted in the affirmative.

On motion of Mr. Sprague, Senate Bill for An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island; and to vest the jurisdiction over the same in the United States, for the purposes therein specified, was taken up.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the following vote was had:

AYES.

Messrs. Crabb and McGarry—2.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Hook, Keene, Kendall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Sawyer, Smith, Sprague, Tuttle, Wade, Walkup and Whiting—22.

Mr. Sprague submitted the following:

Resolved, That the sum of one hundred and ninety-six dollars be paid out of the Contingent Fund of the Senate, to defray the expenses of the investigation of the Select Committee of the Senate, to whom was referred the Special Message of the Governor, returning, with objections, Senate Bill, No. 1; as follows:

To G. W. Bissell, mileage, and attendance two days before Committee as witness,	$77 00
To G. C. Bates, mileage, and attendance two days before Committee as witness,	77 00
To J. W. Denver, one day as witness,	2 00
To A. J. Butler, " " "	2 00
To Joseph P. Vaughn, Recorder of the County of Solano, for fees in furnishing copies of Records of his office,	38 00
Total,	$196 00

The resolution was adopted.

Senate Bill for An Act to provide Revenue for the support of the Government of this State, the special order of the day, was made the order of the day for Friday next.

The further special order, being Joint Resolution in relation to the Nebraska Bill and substitute, was taken up and considered as in Committee of the Whole.

Mr. Coffroth in the chair.

After some time spent in the consideration of the matter, the Committee rose, reported the resolutions back, and leave was granted to sit again.

A communication was received and read from the Committee of Arrangements of the City of Sacramento, inviting the Senate to join in a celebration of the introduction of water in said city.

The communication was read and laid upon the table.

On motion of Mr. Whiting, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Thursday, April 6, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
Mr. Colby moved to dispense with the reading of the Journal.
Lost.
The Journal of yesterday was then read and approved.

Mr. Walkup, Chairman of the Committee on Claims, to whom was referred the petition of John D. Brower for duplicate Land Warrants, reported it back with a bill, recommending its passage.

The report was accepted and laid upon the table.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, to whom was referred a petition from the Chamber of Commerce of San Francisco, in relation to the remission of port charges on vessels entering the harbor of San Francisco, engaged in the whaling business, reported it back with a bill, in accordance with the prayer of the petitioners, recommending that it be passed.

The report was accepted and laid upon the table.

Mr. Lent also reported back Senate Bill for An Act to amend an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25, 1850, recommending it to the favorable consideration of the Senate.

The report was accepted and laid upon the table.

The following message was received from the Governor:

Executive Department,
Sacramento City, April 4, 1854.

To the Senate of California:

I have this day approved an Act which originated in the Senate, entitled An Act to provide for the Payment of the Official Reporters to the Senate.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, yesterday, An Act to authorize the Board of Supervisors of Yolo County to levy a Special Tax for the payment of the existing Debt of said County.

B. McALPIN, Clerk.

The bill was read a first and second time, and referred to Mr. McGarry.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill for An Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne;

Senate Joint Resolution relative to Mail Routes in California, and have amended the same as therein shown.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Senate Joint Resolutions relative to Mail Routes in California, was taken up.

The amendments of the Assembly were read and referred to the Committee on Federal Relations.

Mr. Smith moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Leake, Livermore and Tuttle, with the following result:

AYES.

Messrs. Bryan, Colby, Crabb, Hall, Kendall, Kurtz, Lent, Livermore, Moore, McGarry, Peck, Smith, Sprague and Stebbins—14.

NAYS.

Messrs. Coffroth, Crenshaw, De La Guerra, Hook, Leake, May, McFarland, Sawyer, Tuttle and Walkup—10.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, April 7, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. McFarland presented a petition of citizens of Los Angeles County in reference to the Los Angeles Rangers.

Read and referred to the Committee on Claims.

Mr. Coffroth submitted the following:

Mr. President:

The Committee on Federal Relations have had under consideration, Assembly amendments to Senate Joint Resolutions in relation to Mail Routes in California, find them correct and recommend their adoption.

J. W. COFFROTH,
Chairman.

The report was accepted, and the amendments were concurred in.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Senate Bill, No. 90, as a substitute for a bill for An Act to define the Water Front of the Town of San Diego, recommending the adoption of the substitute.

The report was accepted, and the substitute was adopted and laid upon the table.

Mr. Sprague, Chairman of the Committee on Finance, reported back Assembly Bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed May 17, 1853; and,

An Act to fix the Salary of the Judge of Placer County, approved May 18, 1853, with amendments.

The amendments of the Committee were adopted; and,

The bill was considered in Committee of the Whole, and reported back with further amendments.

Concurred in by the Senate.

The bill was then read a third time and passed.

According to notice, Mr. Sprague introduced a bill for An Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Livermore, Chairman of the Committee on Mileage, reported back a

resolution in reference to Mileage due Senators for travel from Benicia to Sacramento, stating that the Committee could not agree, and asked to be discharged from the further consideration of the subject.

The Committee was discharged.

Mr. Sprague moved to indefinitely postpone the subject.

Lost.

Mr. Crabb moved that the subject be referred to a Select Committee of three.

Agreed to; and Messrs, Crabb, Smith and McFarland were appointed the Committee.

Mr. Gardner presented a petition of James Golden, praying the privilege to collect toll upon a bridge constructed by said petitioner across the Yuba River.

The petition was read and referred to the Committee on Roads and Highways.

Mr. Hagar submitted the following, which was adopted:

Resolved, By the Senate, the Assembly concurring, that all bills amending or relating to the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of this State, be referred to the Joint Committees of the Judiciary of Senate and Assembly for their consideration.

Mr. Hudspeth, to whom was referred Assembly Bill for An Act to Locate the County Seat of Sonoma County anew, reported it back with amendments, recommending its passage.

The report was accepted and laid upon the table.

Mr. Crenshaw gave notice that he would, on to-morrow, or soon thereafter, introduce a bill to provide for the Construction of a Railroad from some point on the Bay of San Francisco to the eastern line of the State of California, with branches thereto.

On motion of Mr. Smith, a bill for An Act to amend an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25, 1850, was taken up; and,

On motion of Mr. Lent, postponed until to-morrow.

Mr. Sprague offered the following:

Resolved, That the sum of twenty-five dollars be paid to Charles H. Hempstead, out of the Contingent Fund of the Senate, as a compensation to the said Hempstead for his expenses as Special Messenger of the Select Committee of the Senate.

The resolution was adopted.

On motion of Mr. Walkup, Senate Bill, No. 118, for An Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower, was taken up; and,

Read a first, second and third time, and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 4, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act concerning County Judges ;
An Act to provide for Building and Furnishing a Jail in Sacramento County;
An Act amendatory of An Act concerning the Office of Public Administrator and making it Elective, passed April 15, 1851 ; and,
An Act to authorize the Construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

JOHN BIGLER.

On motion of Mr. Lent, the special order, a bill for An Act to provide Revenue for the support of the Government of this State, was postponed to to-morrow.
The following report was submitted:

Mr President :

The Committee on Enrolled Bills have examined and find correctly enrolled, the following :
An Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for Certain Purposes.

SAM. B. SMITH,
Chairman.

The Senate then considered as in Committee of the Whole, Senate Joint Resolutions in relation to the Nebraska Bill and substitute.
After some time spent in consideration of the subject,
On motion of Mr. Wade, the Committee rose and reported the resolutions back, and asked leave to sit again.
Granted.
On motion of Mr. Lent, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary

IN SENATE.

SATURDAY, April 8, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Keene presented petitions from citizens and ladies of El Dorado County, praying the passage of a law, by the Legislature, for the better observance of the Sabbath.

Read and referred to the Committee on Vice and Immorality, with instructions to bring in a bill.

Mr. Hall presented a petition of citizens of El Dorado County, praying that Drit, Murdoc & Co., should be authorized to build Bridges and collect Tolls upon the same upon a road through the Sierra Nevada Mountains.

Read and referred to the Committee on Roads and Highways.

Mr. Hudspeth presented a petition of citizens of Sonoma County, in reference to the removal of the County Seat of said County.

Read and referred to Mr. Hudspeth.

Mr. Hagar, Chairman of the Judiciary Committee, submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred the message of His Excellency, the Governor, and the certificate of Thomas Hayes, Esq., Clerk of the Fouth Judicial District, in relation to the absence of Delos Lake, Esq., Judge of the District Court of said District, ask leave to make the following report:

During the present session of the Legislature, Concurrent Resolutions have been passed, granting leave of absence to two of our District Judges, Messrs. Howell and Lake.

It has not been the practice to present Concurrent Resolutions to the Governor for his approval. Neither can they have the effect of a law. In these cases, they amount to nothing more than an expression of assent, on the part of the Legislature, for these gentlemen to absent themselves from the State, which, for that cause, would have the effect to preclude impeachment, or other charge, being made against them by the Legislature, or either branch thereof.

By section ninety-one of the Judiciary Act, (Compl. Laws, p. 754,) Judges are prohibited from leaving the State; but to this no penalty is attached, and no proceedings can be had against a Judge for a violation of the law, unless it be by impeachment.

Section thirty of the Act concerning Officers, (see Compl. Laws, p. 244,) declares, that the office of District Judge shall become vacant upon the ceasing of

the incumbent to discharge the duties of his office for the period of three months, except when prevented by sickness, or by absence from the State upon leave, as provided by law.

Then to declare the office of a Judge vacant, on the ground of absence from the State, it can only be done under this provision of the law.

If the Concurrent Resolutions be of no legal effect, yet the office of Judge Lake cannot be declared vacant on the ground of absence from the State, until that absence shall have been continued for the period of three months.

By section twenty-seven of the Judiciary Act, (Compl. Laws, p. 742,) a District Judge is authorized to hold a term in any Judicial District of the State upon the request of the Judge of the District in which such term is to be held, or when by reason of the absence from the State, a term cannot be held in a District by the Judge thereof, a certificate of that fact shall be transmitted by the Clerk to the Governor, who shall thereupon direct some other Judge to hold such term. And it is the duty of the Judge thus directed, to hold such term.

The Clerk of the District Court of the Fourth Judicial District, it appears, has given the certificate required by the section of the law referred to, and if Judge Lake has not made provision for other Judges to fill his place during his absence, it is the duty of His Excellency, the Governor, to direct some other District Judge to hold the terms of that Court during his absence.

His Excellency, the Governor, appears to entertain some doubt of the constitutionality of the twenty-seventh section of the Act above referred to, authorizing him to fill a temporary vacancy, in accordance with its provisions. This question has been expressly decided by the Supreme Court of this State.

In the case of The People *vs.* McCauly, 1 California Rep. 379, upon the point being made before them, the Court held, "that the Act of the Legislature, by which a District Judge of one District is empowered to hold a District Court in another District is constitutional and valid; and a Court held, in pursuance of such Act, by a District Judge in a District other than the one for which he was elected, is not, for that reason, improperly organized."

Your Committee would, therefore, report as their conclusions, that in case Judge Lake has not provided for the holding of the terms of his Court, during his absence, that His Excellency, the Governor, has full power and authority to direct some other District Judge to hold the terms of that Court, until the office is declared vacant, and that it is the duty of such Judge to obey such direction.

Respectfully submitted,

JOHN S. HAGAR,
Chairman.

Mr. Hagar, from the same committee, reported back Senate Bill for An Act to amend an Act entitled an Act to authorize the formation of Limited Partnerships, with an amendment, recommending its passage.

The report was accepted, the amendment concurred in, and the bill ordered engrossed for a third reading.

Mr. Bryan, of the Judiciary Committee, reported back the following bills without amendment, recommending their passage, viz:

An Act allowing the Court of Sessions of Yuba County to levy a Special Tax for the support of the Indigent Sick of said County; and for

An Act providing that the Court of Sessions of Yuba County shall be empowered to levy, and cause to be collected, a Special Tax for the purpose of erecting Public Buildings, and the improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose.

The report was accepted and laid upon the table.

Mr. Crenshaw, of the Committe on Enrolled Bills, reported that the Committee had examined, and found correctly enrolled, Joint Resolutions relative to lands donated to this State by the United States.

Mr. Sawyer submitted the following:

Resolved, That the use of the Senate Chamber be tendered to the Sacramento Lyceum, on Saturday evenings, when not occupied by the Senate.

Upon the adoption of the resolution, the ayes and nays were demanded by Messrs. Coffroth, Lyons and Sawyer, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Kurtz, Leake, Sawyer, Wade and Whiting —8.

NAYS.

Messrs. Catlin, Crenshaw, De La Guerra, Hagar, Hook, Keene, Kendall, Livermore, Lyons, Mahoney, McFarland, Smith, Sprague, Tuttle and Walkup —15.

Mr. Coffroth presented the memorial of F. S. Benoist, for compensation for services rendered Sick and Indigent Immigrants.

Read and referred to the Committee on Claims.

On motion of Mr. Hagar, Senate Bill for An Act to amend an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25, 1850, was taken from the table.

Read a third time and passed.

Mr. Smith submitted the following:

Mr. President:

The Joint Committee on Enrolled Bills, report that, on yesterday, they presented to the Governor for his approval, An Act to authorize the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes.

SAM. B. SMITH,
Chairman.

On motion of Mr. Lent, Senate Bill, No. 12, for An Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, approved May 3, 1852.

Taken from the table and read a third time.

On the passage of the bill, the ayes and nays were demanded by Messrs. Lent, Leake and Sawyer, with the following result:

AYES.

Messrs Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De La Guerra, Hagar, Kurtz, Lent, Livermore, Mahoney, McFarland, Sawyer, Tuttle, Wade, Walkup and Whiting—18.

NAYS.

Messrs. Gardner, Hall, Hook, Keene, Kendall, Leake, Lyons, Smith and Sprague—9.

Mr. Smith submitted the following:

Mr. President:

The Select Committee, to whom was referred the resolution concerning mileage of Senators, for travel from Benicia to the City of Sacramento, beg leave to report to the Senate the following resolution, and recommend it to the favorable consideration of the Senate.

SAM. B. SMITH,
Chairman.

Resolved, That the Sergeant-at-Arms of the Senate be instructed to issue to each Senator, a certificate of the amount due to him as extra mileage from Benicia to Sacramento City, and that said certificates be issued to Senators, without reference to the locality of their respective Counties.

Mr. Sawyer submitted the following substitute:

Resolved, That the Sergeant-at-Arms is hereby authorized to issue certificates to the following Senators, viz:

Messrs.	Grewell	for 120 miles.
	De La Guerra	" "
	Hagar	" "
	Hudspeth	" "
	Kurtz	" "
	Mahoney	" "
	May	" "
	Moore	" "
	McFarland	" "
	McGarry	" "
	Whiting	" "
	Lent	" "
President of Senate		" "

Mr. Hagar moved to recommit to the Committee on Mileage, with instructions to report the increased distance or mileage of Senators, in consequence of the removal of the Legislature to Sacramento, to be computed from their respective places of residence by the nearest mail route to said Sacramento.

Mr. Coffroth moved to consider the special order of the day, the Resolutions on the Nebraska Bill and substitute, on which the ayes and nays were demanded by Messrs. Coffroth, Lent and Smith, and it was decided in the affirmative by the following vote:

AYES.

Msssrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Livermore, Lyons, Sawyer, Sprague, Tuttle, Wade and Walkup—20.

NAYS.

Messrs. Hagar, Hall, Lent, Mahoney, May, McFarland, Smith and Whiting —8.

So the Senate proceeded as in Committee of the Whole, Mr. Coffroth in the Chair, to the consideration of the resolutions and substitute.

After some time spent in the consideration of the subject, the Committee rose, reported the resolutions back, and asked leave to sit again on Wednesday next.

Granted.

The following special message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 8, 1854.

To the Senate and Assembly of California:

After careful examination, I deem it my duty to direct the attention of the Legislature to the several Acts on the Statute Book concerning Corporations, and, more particularly, to the chapter in relation to the formation of Steam Navigation Companies.

The evils which may result from the passage of laws under which powerful monopolies can be organized, are considered of such magnitude as not only to justify, but require a careful revision of all past legislation on the subject, with a view of supplying the restrictions and limitations necessary for the protection of public rights and interests.

The fact that companies have been organized and exist under the Acts heretofore passed, it is proper to state, does not interfere in the least with the right of the Legislature either to amend or repeal any or all of them.

The thirty-first section of the fourth article of the Constitution provides for the formation of Corporations under general laws, and that all general laws and special acts passed pursuant to this section, may be *altered* from time to time or *repealed*. And the thirtieth section of the head of "General Provisions," authorizes the Legislature, at any time, "to repeal the Act, and dissolve all Corporations created under it."

The right of the Legislature to amend or repeal the several existing laws concerning Corporations, must, therefore, be considered; and that they require revision, it is believed, will be admitted by all after careful examination.

In the formation of laws authorizing the organization of companies, the manifold interests of the public should be carefully guarded, either by fixing reasonable rates in the Act itself, or by vesting the power to prevent exorbitant charges upon commerce and travel, in the courts, to be exercised whenever necessary.

The existing Corporation Laws, in fact, are all more or less defective, and require careful modification, so as to fully protect the public against unreasonable exactions. Comparatively, but few companies have, as yet, been organized under the existing laws; and all the modifications necessary for the security of public interests, and to relieve the people from the oppressive exactions of existing monopolies, can now be made without material interference with the rights or interests of any portion of our citizens.

The Act authorizing the formation of "Steam Navigation Companies," and the Act of 14th April, 1853, so far as it relates to the organization of companies "for the purpose of engaging in any species of Trade or Commerce, foreign or domestic," are loose and vague in their terms, and contain no provisions protecting the public against unreasonable charges for travel or freight.

The thirty-third section of the Act authorizing the formation of Railroad Companies, approved April 22, 1853, provides, that "it shall be unlawful for the corporation, its officers, or employees, to charge more than twenty cents per mile for each passenger, and sixty cents per mile for each ton of freight; and for every transgression of such limitation, the corporation shall be liable to the party suffering thereby, treble the entire amount of freight charged to the party;" and, further, that "any reduction below the rates abovementioned, shall be left *entirely* to the decision and control of the corporation itself."

This Act, it is true, fixes charges which cannot be *exceeded;* but it also provides that the power of *reducing* them can *only* be exercised by the corporation itself; thus leaving the people without remedy against exorbitant exactions.

The charges allowed in the section above referred to, it will be observed, are enormously high, and were the same rates applied to the Pacific Railroad passage to the Missouri line, computing the distance at twenty-five hundred miles, would cost five hundred dollars, and each ton of freight, fifteen hundred dollars. Yet, these charges are permitted to be exacted under the existing law, and their reduction placed solely in the discretion of the corporation itself. Experience has demonstrated the necessity of incorporating in all Acts authorizing the formation of corporate companies, such restrictions and limitations as to render them, in the exercise of the privilege granted, beneficial, and not detrimental to the prosperity of the whole people.

It has been well said, that "there are no necessary evils in Government," and that "its evils only exist in its abuses;" that "in the full enjoyments of the gifts of heaven and the fruits of superior skill, industry and economy, every man is equally entitled to protection by law; but when laws are so framed as to add to their natural and just advantages, by granting exclusive privileges which make the rich richer, and the potent more powerful, the humbler members of society who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of the Government."

Industry and enterprise, unaided by the special privileges enjoyed by corporations, have, in a few years, made California, in many important respects, superior to most of the older States of the Confederacy.

To continue her prosperity, and develop with sufficient rapidity her mighty resources, it is only necessary to give the people wholesome general laws for the protection of persons and property, and to prevent monopolists from controlling the main sources of her wealth, as well as the principal avenues of trade and travel.

Under enactments such as now exist upon our own statute books, monopolies of the most oppressive character have grown up in most of the States of the Union, and become so powerful as almost to defy legislative authority, and sufficiently potent to seriously interfere with the rights and interests of the people.

California as yet has suffered, comparatively, but little from the exactions of monopolies organized under her laws, but it is nevertheless true, that the merchants at several points in the north have held public meetings, and subscribed means for the purchase of steamers, to be controlled by themselves, as the only mode of escaping the unreasonable exactions of an existing monopoly.

Judicious modifications, however, can now be made which will not only effect present good, but forever preserve the people of California from the evils which grievously oppress the people of other sections of this great Confederacy. Under our Government, where the masses have the right and the power to prescribe the kind and character of laws by which they are to be governed, it should be the endeavor, as it is the duty of the Representatives, so to frame enactments as to protect their interests from being trampled upon by corpora-

tions organized for the accomplishment of objects beyond the means of individual enterprise.

In fact, legislation should ever have in view the protection and prosperity of industry; and, while inviting within our borders capital and enterprise by all lawful and proper inducements, should so surround them with checks and limitations as to prevent their being made instruments of extortion and oppression.

The interests of the great body of the people of California are identified with labor, and opposed to extending the influence of Government to the advancement of the few at the expense of the many.

It may, however, be urged, that were the restrictions proposed incorporated in the several Acts concerning corporations, capitalists, instead of availing themselves of the benefits of existing laws, would form combinations for the purpose of evading those restrictions. It is a sufficient answer to this objection to state, that under the common law, all persons connected with such combinations would be liable to indictment and prosecution as "conspirators against the public good." On this point, the common law is clearly laid down by a learned Chief Justice, as follows:

"A combination is criminal, whenever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of the confederate, and giving effect to the purposes of the latter, whether of extortion or mischief."

Again—"Combinations may be oppressive by compelling the public to give more for an article of necessity or convenience, than it is worth; or, on the other hand, of compelling the labor of a mechanic for less than its value."

The Act authorizing the Incorporation of Steam Navigation Companies, grants important privileges, but imposes no restrictions, whatever, in the exercise of a vast and exclusive power, the tendency and effect of which must be to prevent lawful and desirable competition in an extensive and lucrative department of internal commerce and trade.

I would, therefore, respectfully call your attention to the omissions and defects of the existing laws concerning corporations, and especially recommend that the several Acts authorizing the Incorporation of Railroad, Steam Navigation, Stage, Plank Road and Turnpike Companies, be so restricted in their provisions, as to protect the people against exorbitant and unreasonable charges for travel, or the transportation of freights.

JOHN BIGLER.

Mr. Keene moved that the message be referred to the Committee on Corporations.

Mr. Lent moved that 1000 copies be ordered printed.

Upon which the ayes and nays were demanded by Messrs. Kurtz, Tuttle and Lyons, and it was decided in the affirmative, by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Crenshaw, Hook, Hudspeth, Keene, Kendall, Leake, Lent, May, McFarland, Sprague, Wade, Walkup and Whiting—16.

NAYS.

Messrs. De La Guerra, Hagar, Kurtz, Lyons, Mahoney, Sawyer and Tuttle—7.

The message was the referred to then Committee on Corporations.
Mr. Coffroth submitted the following:

Resolved, That the State Printer be directed to print 200 copies additional of the Revenue Bill, provided there be no additional cost of composition.

On motion of Mr. Hagar, the resolution was laid upon the table.
Mr. Colby gave notice that he would, on Monday next, introduce a bill for An Act for the construction of a Canal from the Sacramento River at the town of Sutter, to the mouth of the Slough.
Mr. Leake, Chairman of the Committee on Counties and County Boundaries, reported back Assembly Bill for An Act amendatory of an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851, recommending its passage.
Mr. Hagar moved to recommit to the Senators from San Francisco and Marin.
Mr. Bryan moved to lay the bill upon the table.
Agreed to.

On motion of Mr. Hudspeth, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Monday, April 10, 1854.

Senate met pursuant to adjournment.
President *pro tem.*, in the chair.
Prayer by the Rev. Mr. Spear.
The Journal of Saturday was read and approved.

Mr. Sprague presented a petition of citizens of Shasta County, in reference to fixing the Compensation of the District Attorney for said County.
Read and referred to the Committee on Finance.

Mr. Walkup submitted the following report:

Mr. President:

The Committee on Mines and Mining Interests, to whom was referred Senate Bill, No. 30, for An Act to amend an Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges; and,

Senate Bill, No. 75, for An Act supplementary to an Act provide for the Protection of Foreigners, and to define their Liabilities and Privileges, have agreed upon the substitute herewith presented, containing all the essential amendments of those bills, and two additional sections to amending sections six and eighteen of said Act, and recommend the passage of the substitute.

JOSEPH WALKUP,
Acting Chairman.

Mr. Sawyer submitted the following report:

Mr. President:

The State Library Committee, to whom was referred the Report of the Secretary of State in relation to the State Library, after having carefully considered the same, report it back to the Senate, with the following bills:

A bill for An Act supplementary to an Act concerning the Office of Secretary of State, passed January 24, 1350; and,

A bill for An Act to amend section second of an Act to Regulate the Fees in Office, passed May 1, 1851.

All of which is herewith respectfully submitted.

E. D. SAWYER,
Of the Committee.

Mr. Coffroth submitted the following report:

Mr. President:

The Committee on the part of the Senate and Assembly to propose amendments to the Constitution, and to whom have been referred various propositions to change that instrument, respectfully report the accompanying amendments, and earnestly recommend their adoption.

JAMES W. COFFROTH,
Chairman of Senate Committee.

A. C. BRADFORD,
Chairman of Assembly Com.

On motion of Mr. Coffroth, two hundred and forty copies were ordered printed, and it was made the special order of the day for Thursday week, at 12 o'clock, and for every day thereafter, until disposed of.

Mr. Tuttle moved to reconsider the vote just had.

Agreed to; and it was made the special order for Friday, the 14th inst., at 12 o'clock, and for every day, thereafter, until disposed of.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 3d of

the present month, a bill for An Act creating a Board of Commissioners, and the Office of Overseer in each Township of the several Counties therein named, to Regulate Water Courses within their respective limits.

They passed on the 5th, An Act to Legalize certain Affidavits made before the County Recorder of this State; and,

An Act to Fund the Floating Debt Sacramento County, and to provide for the payment of the same.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 86, for An Act creating a Board of Commissioners, and the Office of Overseer in each Township of the several Counties therein named, to Regulate Water Courses within their respective limits.

Read a first and second time; and,

On motion of Mr. Tuttle, referred to the Committee on Agriculture, Missions and Mission Lands.

Assembly Bill, No. 288, for An Act to Legalize certain Affidavits made before the County Recorders of this State.

Read a first and second time; and,

On motion of Mr. Catlin, referred to the Judiciary Committee.

Assembly Bill, No. 216, for An Act to Fund the Floating Debt of Sacramento County, and to provide for the payment of the same.

Read a first, second and third time, and passed.

According to previous notice, Mr. Colby introduced a bill for An Act to provide for the Construction of a Canal from the Sacramento River, at the Town of Sutter, to the Mouth of the Slough.

Read a first and second time, and referred to the Committee on Corporations.

On motion of Mr. Sprague, Senate Bill for An Act to authorize the Redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their redemption.

Taken from the table, read a third time, and passed.

On motion of Mr. Whiting, Senate Bill for An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools, and for the Erection of Public Buildings, and substitute for the same, was taken up; and,

Referred to a Special Committee of three, consisting of Messrs. Whiting, McFarland and Lyons.

Mr. Crenshaw submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, a Joint Resolution relative to Mail Routes in the State of California.

JOHN T. CRENSHAW,
Of Committee.

Leave being granted, Mr. Crenshaw introduced a bill for An Act to Preserve the Records of the several Counties of this State.

Read a first and second time, and referred to the Judiciary Committee.

The Senate proceeded to consider, as in Committee of the Whole, a bill for An Act to provide Revenue for the Support of the Government of this State; and, after some time spent therein, the Committee rose, and asked leave to sit again.

Granted.

On motion of Mr. Crenshaw, the Senate took a recess until 7 o'clock.

Senate met at 7 o'clock.
The President *pro tem.* in the chair.
No quorum present.

Mr. Tuttle moved a call of the Senate.
Agreed to; and the roll being called, the following Senators were found absent without leave: Messrs. Catlin, Coffroth, Crabb, Gardner, Hagar, Hall, Hudspeth, Kurtz, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Stebbins and Wade.
Mr. Colby moved to suspend further proceedings under the call.
Lost.
Mr. Colby moved to dispense with further proceedings under the call.
Agreed to.

On motion of Mr. Kendall, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, April 11, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Gardner presented a petition of citizens of Sierra County, in reference to the County Seat of said County.
Read; and, on motion of Mr. Sawyer, referred to Mr. Gardner.
Mr. Hagar, Chairman of the Judiciary Committee, reported back a bill for An Act to provide for reporting the decisions of the Supreme Court, recommending its indefinite postponement.
The report was accepted, and laid upon the table.
The following message was received from the Governor:

Executive Department,
Sacramento City, April 10, 1854.

To the Senate of California:

I have, this day, approved An Act which originated in the Senate, entitled an Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 4th of April, An Act to reduce the Salaries of State Officers and the Pay of Members of the Legislature.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill for An Act to reduce the Salaries of State Officers and the Pay of Members of the Legislature, was read a first and second time; and,

On motion of Mr. Sawyer, referred to the Committee on Public Expenditures.

Mr. Whiting gave notice that he would, on to-morrow, introduce a bill to establish Steam Ferriage on the Bay of San Francisco, so as to increase the revenue of the State, and render San Antonio Creek navigable.

On motion of Mr. Hudspeth, An Act to locate the County Seat of Sonoma County anew, was taken up, the amendments of the Committee were adopted, and the bill was read a third time and passed.

On motion of Mr. Sprague, Senate Bill for An Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, was taken from the table.

The amendments of the Committee were concurred in, and the bill was ordered engrossed for a third reading.

Mr. Tuttle submitted the following:

Mr. President:

The Committee on Engrossed Bills have examined and find correctly engrossed the following Act:

An Act to amend an Act entitled an Act to authorize the formation of Limited Partnerships.

CHAS. A. TUTTLE,
Chairman.

The bill was then a third time and passed.

Leave being granted, Mr. Hall introduced a bill for An Act amendatory of an Act entitled an Act to provide for the appointment and prescribe the Duties of Guardians, passed April 29, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Substitute for Senate Bills, No. 30 and 75, reported from the Committee on

Mines and Mining Interest, entitled An Act to amend an Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, was adopted, and laid upon the table.

On motion of Mr. Crenshaw, the Senate proceeded, as in Committee of the Whole, Mr. Hall in the chair, to consider a bill for An Act to provide Revenue for the support of the Government of this State.

After some time spent in the consideration of the bill, the Committee rose, and asked leave to sit again.

Granted.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, April 12, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Crenshaw submitted the following report:

Mr. President:

The Joint Committee on Enrollment, have carefully examined Assembly Bills entitled,

An Act to authorize A. H. Murdock and others to build a Wharf at the Town of Union in Humboldt County;

An Act to provide for the Erection of Public Buildings in the County of Napa;

An Act to authorize the Incorporation of the City of San Bernardino;

An Act supplementary to the Act Incorporating the City of Benicia;

An Act entitled an Act to Incorporate the City of Los Angeles, approved April 4, 1850; and,

An Act to Incorporate Crescent City,

And find the same correctly enrolled.

JOHN T. CRENSHAW,
Of Committee.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly refused to concur in the amendments made by the Senate to Assembly Bill, No. 184, An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, and respectfully ask a Committee of Conference; and have appointed on their part, Messrs. Conness, Irwin and Carr.

They also passed Senate Bill, No. 76, An Act to authorize the Court of Sessions of the Counties of San Joaquin and Tuolumne, to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said counties, and have amended the same as therein shown;

An Act for the Relief of Wm. N. Walton; and,

Senate Concurrent Resolution to refer all bills in relation to Civil Cases to Judiciary Committees of Senate and Assembly.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

On motion of Mr. Tuttle, a Committee was appointed to confer with Assembly Committee of Conference on Assembly Bill for An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed May 17, 1853; and,

An Act to fix the Salary of the Judge of Placer County, approved May 18, 1853; and Messrs. Tuttle, McFarland and Wade, were appointed the Committee.

Mr. Lent presented a petition of German citizens of San Francisco, praying the passage of a law for creating a Ward in the State Marine Hospital for Sick and Indigent Germans.

The petition was read and referred to the Committee on State Hospitals.

Leave being granted, Mr. Coffroth introduced a bill for An Act prescribing the manner of commencing and maintaining Suits against Counties.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Sprague submitted the following:

Mr. President:

The Judiciary Committee, to which was referred Senate Bill, No. 120, in relation to Mare Island, have had the same under consideration, and have instructed me to report the same back with an amendment, and recommend its passage.

R. T. SPRAGUE,
Of Committee.

The bill was considered as in Committee of the Whole.

Mr. Sprague in the chair.

After some time spent in its consideration, it was reported back amended, as recommended by the Committee on the Judiciary.

The Senate concurred in the amendment.

Mr. Walkup moved to recommit to the Committee on Finance, with instructions to bring in a bill authorizing the Governor to deed all right, title and interest of the State to said Island, to the persons who have sold the same to the

United States, on the payment to the State of the sum of forty thousand dollars.

Upon which motion the ayes and nays were demanded by Messrs. Tuttle, Catlin and Hudspeth, which resulted as follows :

AYES.

Messrs. Sawyer, Tuttle and Walkup—3.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hall, Hook, Hudspeth, Keene, Kendall, Leake, Lent, Mahoney, May, Moore, Sprague, Wade and Whiting—17.

The ayes and nays upon the passage of the bill, were demanded by Messrs. Tuttle, Whiting and Sprague, and the bill passed by the following vote :

AYES.

Messrs. Bryan, Catlin, Crenshaw, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Lent, Mahoney, Moore, Sawyer, Sprague, Wade and Whiting —17.

NAYS.

Messrs. Coffroth, Colby, Leake, May, Tuttle and Walkup—6.

Mr Mahoney gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. McFarland moved to take from the table Assembly Bill, No. 17, for An Act amendatory to an Act to amend an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Mr. Bryan moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Bryan, Sprague and Tuttle, which resulted as follows :

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Hook, Keene, Mahoney, Moore, Sprague, Stebbins, Tuttle and Whiting—14.

NAYS.

Messrs. Catlin, Crenshaw, Kendall, Kurtz, May, McFarland, Sawyer, Wade and Walkup—9.

The roll being called, the following Senators were found absent without leave: Messrs Gardner, Hudspeth, Leake, Livermore, McGarry, Peck and Smith.

On motion of Mr. McFarland, the call was, temporarily, suspended.

Mr. Lent asked and obtained leave of absence for one week for Mr. Crabb.

On motion of Mr. Coffroth, leave of absence for three days was granted to Mr. Lyons.

On motion of Mr. Coffroth, Mr. Wade was appointed on the Joint Committee to examine the accounts of Eugene Casserly, Esq., in place of Mr. Crabb.

Leave being granted, Mr. Hall introduced a bill for An Act to reinstate Certain Actions in the County Courts of this State.

Read a first and second time, and referred to the Judiciary Committee.

According to previous notice, Mr. Whiting introduced a bill for An Act to establish Ferriage on the Bay of San Francisco, so as to increase the Revenues of the State and render San Antonio Creek navigable.

Read a first and second time.

Mr. McFarland moved to refer the bill to the Committee on Commerce and Navigation.

Mr. Crenshaw moved to amend by referring to the Judiciary Committee.

Upon which the ayes and nays were demanded by Messrs. Whiting, Crenshaw and McFarland, with the following result:

AYES.

Messrs. Catlin, Coffroth, Crenshaw, De La Guerra, Hudspeth, Kurtz, May, Sprague, Stebbins, Tuttle and Whiting—11.

NAYS.

Messrs. Bryan, Colby, Gardner, Hall, Hook, Keene, Kendall, McFarland, Sawyer, Wade and Walkup—11.

The Senate being equally divided, the President voted in the affirmative, and the bill was referred to the Judiciary Committee.

Mr. Leake submitted the following, which was adopted:

Resolved, That the Judiciary Committee, to whom was referred a bill providing for the Sessions of the Supreme Court being held at Sacramento, be instructed to report the same back to the Senate on to-morrow.

Mr. Sawyer gave notice, that, on to-morrow, he would introduce a resolution changing Rule 30, of the Rules and Orders of the Senate.

The President declared the Senate again a under call.

Mr. Coffroth moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Sprague moved to proceed with the special order of the day.

The ayes and nays were demanded by Messrs. Tuttle, Coffroth and Sprague, and the motion was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hall, Keene, Sprague, Tuttle and Whiting—8.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, De La Guerra, Hook, Hudspeth, Ken-

dall, Kurtz, Leake, May, McFarland, Sawyer, Stebbins, Wade and Walkup—15.

Mr. Hall moved to consider the Revenue Bill.

Lost.

Mr. Sprague moved a call of the Senate.

The ayes and nays were demanded by Messrs. Tuttle, Sprague and Colby, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hall, Kurtz, Moore, Sprague and Tuttle—9.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, Sawyer, Wade, Walkup and Whiting—14.

The motion of Mr. McFarland, to take up Assembly Bill, No. 17, was then carried.

The question being upon the adoption of the following amendment:

Strike out in section one, lines eleven and twelve, the following words: "Admission of this State as one of the United States of America," and insert, "Adoption of the Constitution of this State by the people."

The ayes and nays were demanded by Messrs. Kendall, Crenshaw and Whiting, and the amendment was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Sprague, Tuttle and Whiting—7.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Hall, Hook, Hudspeth, Keene, Kendall, Leake, Mahoney, May, Moore, McFarland, Sawyer, Wade and Walkup—16.

The second amendment being to strike out, in line 26 of the first section, all the proviso following the word "section."

Upon the adoption of which, the ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Mahoney, Moore, Sprague, Tuttle and Whiting—9.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Hall, Hook, Hudspeth, Keene, Kendall, Leake, May, McFarland, Sawyer, Wade and Walkup—14.

The bill was then read a third time.
The question being, "Shall the bill pass?"
The ayes and nays were demanded by Messrs. Sprague, Bryan and Hagar, and it was passed by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crenshaw, Gardner, Hall, Hook, Hudspeth, Keene, Kendall, Leake, Mahoney, May, Moore, McFarland, Sawyer, Wade, Walkup and Whiting—18.

NAYS.

Messrs. Bryan, Colby, Hagar, Sprague and Tuttle—5.

On motion of Mr. Bryan, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Thursday, April 13, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. McFarland presented a petition from citizens of Los Angeles County, in reference to Fees of Office.
Read and referred to the Committee on the Judiciary.
The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 10th inst., Senate Bill, No. 93, for An Act to repeal an Act entitled an Act to

authorize the Treasurer of the State to make Special Deposits, passed May 4, 1852; also, on yesterday,

Senate Bill, No. 115, for An Act to authorize the Redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their Redemption;

Senate Bill, No. 116, An Act supplementary to an Act to Exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853, and have amended the same as therein shown;

Assembly Bills, An Act to create the Office of State Printer and define the duties thereof, and provide for the time and manner of Election;

An Act to submit the question of the Removal of the County Seat of El Dorado County to the voters thereof;

An Act to amend an Act entitled an Act concerning the Salaries of Officers and Members of the Legislature, passed May 11, 1852;

An Act to Repeal the several Acts providing for the Payment of Expeditions against the Indians in this State; and,

Joint Resolutions in relation to An Act of Congress concerning Private Land Claims in the State of California.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 177, for An Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11, 1852.

Read a first and second time, and referred to the Committee on Public Expenditures.

Assembly Bill, No. 192, for An Act to submit the question of the Removal of the County Seat of El Dorado County to the voters thereof.

Read a first and second time, and laid on the table.

Assembly Bill, No. 205, for An Act to Repeal the several Acts providing for the Payment of Expeditions against the Indians in this State.

Read a first and second time, and referred to Committee on Indian Affairs.

Assembly Joint Resolution, No. 194, in relation to An Act of Congress concerning Private Land Claims in the State of California.

Read a first and second time, and referred to Committee on Public Lands.

Assembly Bill, No. 139, for An Act to create the Office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of Election.

Read a first time; and, objections being made to a second reading, was laid over under the rules.

The question being on concurring with the Assembly, in its amendment to Senate Bill, No. 116, for An Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

The ayes and nays were demanded by Messrs. Coffroth, Lent and McFarland, and the Senate refused to concur by the following vote:

AYES.

Messrs. Crenshaw, Hook, Keene, May, Moore, Sprague, Stebbins and Whiting—8.

NAYS.

Messrs. Catlin, Coffroth, Colby, Hall, Kendall, Kurtz, Lent, McFarland, Sawyer, Wade and Walkup—11.

Mr. Coffroth moved that a Committee of Conference be appointed on the disagreeing vote.

Agreed to; and Messrs. Coffroth, Sawyer and Moore were appointed the Committee.

The following message was received from the Governor:

Executive Department,
Sacramento City, April 12, 1854.

To the Senate of California:

I have, this day, approved the following Joint Resolution, which originated in the Senate, viz: "Joint Resolution relative to Mail Routes in the State of California."

JOHN BIGLER.

Leave being granted, Mr. Hook introduced a bill for An Act to amend an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

Read a first and second time, and referred to the Committee on Judiciary.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to Adjust the Indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same; and,

An Act fixing the times of holding the several Courts authorized to be held by the County Judge in the County of Yolo.

Respectfully,
B McALPIN, Clerk.

Assembly Bill, No. 233, for An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same.

Read a first and second time, and referred to Mr. Grewell.

Assembly Bill, No. 237, for An Act fixing the times of holding the several Courts authorized to be held by the County Judge in the County of Yolo.

Read a first and second time, and laid upon the table.

Mr. Sawyer submitted the following, in accordance with previous notice:

Resolved, That the hour of meeting of the Senate shall be 10 o'clock, A.M., of each day; (Sundays excepted,) and in case any other is named, it shall be applicable only to the one day, and shall not affect this rule beyond the day named for a different hour of meeting.

The resolution was adopted.

A bill for An Act to provide for reporting the Decisions of the Supreme Court was taken up, and indefinitely postponed.

Leave being granted, Mr. Sawyer introduced a bill for An Act appropriating Five Thousand Dollars to Purchase a State Library.

Read a first and second time, and referred to the Committee on State Library.

Assembly Bill, No. 261, for An Act to amend the seventh section of an Act entitled an Act to Incorporate the City of San José, passed March 27, 1850; was,

On motion of Mr. Sawyer, read a third time and passed.

Mr. Catlin gave notice that he would, on to-morrow, or some day soon thereafter, introduce a bill to amend An Act concerning the office of Reporter, passed April 13, 1850.

Senate Bill, No. 125, for An Act to amend section second of an Act entitled an Act to Regulate the Fees in Office, passed May 1, 1851.

Read a first and second time, and referred to the Committee on State Library.

Senate Bill, No. 126, for An Act supplementary to an Act concerning the Office of Secretary of State, passed January 24, 1850.

Read a first and second time, and referred to the Committee on State Library.

Senate Bill, No. 114, for An Act allowing the Court of Sessions of Yuba County to levy a Special Tax for the Support of the Indigent Sick of said County.

Read a third time and passed.

Senate Bill, No. 112, for An Act providing that the Court of Sessions of Yuba County shall be empowered to levy, and cause to be collected, a Special Tax for the purpose of erecting Public Buildings and the Improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose.

Read a third time and passed.

Assembly Bill, No. 130, for An Act authorizing persons to Erect Dams across Streams not declared Navigable, was taken up.

The amendment of the Committee on Mines and Mining Interests was adopted.

On motion of Mr. Bryan, the bill was recommitted to the Committee on the Judiciary.

Leave being granted, Mr. Whiting introduced a bill for An Act to authorize Isaac E. Davis and A. P. Jordan, to construct a Wharf at Santa Cruz into the Bay of Monterey.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Moore, Senate Bill, No. 73, for An Act concerning Corporations for establishing Rural Cemeteries, was taken from the table.

Mr. Moore offered a proviso to be added to the ninth section.

On motion of Mr. Crenshaw, the bill was laid upon the table.

Mr. Gardner submitted the following:

Resolved, By the Senate, the Assembly concurring, that John R. McConnell, the Attorney-General of this State is hereby authorized to go beyond the limits of this State, on a visit to the Atlantic States, and to remain for the period of four months.

The resolution was adopted.

On motion of Mr. Crenshaw, the Senate proceeded, as in Committee of the Whole, to the consideration of the Revenue Bill, Mr. Hall in the chair.

After some time spent therein, the Committee rose, and asked leave to sit again.

Granted.

Mr. Smith submitted the following:

Mr. President:

The Committee on Enrolled Bills have examined and find correctly enrolled, the following Acts:

An Act to declare the Head of Navigation on the Tuolumne River;

An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1350.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853;

An Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne;

An Act to authorize the Court of Sessions of the County of Tuolumne to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said County;

An Act for the Relief of W. N. Walton;

An Act to Fund the Floating Debt of Sacramento County, and provide for the payment of the same; and,

An Act amendatory to an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

SAM. B. SMITH,
Chairman.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Friday, April 14, 1854.

Senate met pursuant to adjournment.
The President *pro tem.* in the chair.
Prayer by the Rev. Mr. Benton.

There being no quorum present, Mr. Stebbins moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent without leave:

Messrs. Bryan, Catlin, Colby, Gardner, Hagar, Hall, Livermore, Moore, Wade and Whiting.

Mr. Moore appeared at the bar of the Senate, and was admitted.

Mr. Catlin appeared, and was admitted.

Mr. Wade also appeared, and was admitted.

On motion of Mr. Walkup, further proceedings under the call were dispensed with.

The Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Judiciary Committee reported back Assembly Bill, No. 228, for An Act to legalize certain Affidavits made before the County Recorders of this State, recommending its indefinite postponement.

The report was accepted, and laid upon the table.

Mr. Hagar submitted the following report:

Mr. President:

The Committee on the Judiciary have had under consideration Senate Bill, No. 105, ask leave to report it back with the accompanying substitute, and recommend the passage of the substitute.

Your Committee further recommend the passage of a bill herewith reported, amending the Act concerning the Courts of Justice of this State and Judicial Officers, so as to allow six terms of the Supreme Court each year; and your Committee ask to be discharged from the further consideration of the subject.

Respectfully submitted,

JOHN S. HAGAR,
Chairman.

The report was accepted, and laid upon the table.

Mr. Sawyer submitted the following report:

Mr. President:

The Committee on Public Expenditures, to whom has been referred Assembly Bill for An Act to reduce the Salary of State Officers and the Pay of the Members of the Legislature, after having duly considered the same, respectfully report—

That, while our young and growing State is burdened with an increasing debt of over $3,000,000, every avenue to economy, which is founded upon just and honorable principles, should be sought out and eagerly embraced.

A reform in the exorbitant annual expenditures of this State has frequently been recommended by the Executive, and as frequently passed over by the Legislature without action; and what is proposed in this bill should have been acted upon and spread out upon our statutes of last session, to curtail the salaries of our State officers, and limit the sessions of our Legislature to a specified number of *pay* days.

By carrying out the provisions of this bill it will, when the terms of the present officials expire, save to the State an annual sum of over $30,000 in the State and Judicial departments alone, while probably not less than $50,000 in the Legislative department; being in the aggregate an annual curtailment of $80,000 in the present enormous expenses of our State Government. A few

such reforms will retrieve our State from the financial crisis to which she is now fast approaching, and place her credit upon a firm and substantial basis.

Therefore, your Committee report back the bill without amendment, and earnestly recommend its immediate passage.

E. D. SAWYER,
G. W. HOOK,
Of Committee.

Mr. Coffroth submitted the following report:

Mr. President:

The Joint Select Committee created under the following resolution: "*Resolved*, By the Senate, the Assembly concurring, that a Joint Committee, composed of three from each House, be appointed to examine and settle the accounts of Eugene Casserly, Esq., late State Printer, with power to send for persons and papers," have carefully examined the subject, and beg leave, respectfully, to submit the following report:

In May, 1851, Mr. Casserly was elected State Printer by the Legislature. The then Governor (McDougal) claimed the election to be irregular, and immediately upon the adjournment of the Legislature appointed Mr. G. K. Fitch State Printer. The Secretary of State, whose duty it was, by law, to deliver to the State Printer the certified copies of the Laws and Journals for printing, refused to acknowledge Mr. Casserly as the State Printer, and delivered them to Mr. Fitch. It was thus placed out of Mr. Casserly's power to print the Laws and Journals, and he was obliged to resort to a suit at law to establish his rights. Late in December, 1851, the Supreme Court of the State rendered a unanimous decision, declaring Mr. Casserly to be the State Printer, and the appointment of Mr. Fitch by the Governor, null and void.

Within a very few days after this decision, the Legislature of 1852 commenced its session. The volume of Laws of 1851 was one of the most important, as well as one of the largest, ever printed, and the members were eager to have them and the Journals upon their desks.

Meantime, and pending the litigation in the Courts, Mr. Fitch had had the Laws and Journals printed in New York; and at the opening of the session, was in attendance with his books, being the only printed volumes of the Laws of 1851, in the State, printed and bound, and ready for delivery. The time between the decision of the Supreme Court in Mr. Casserly's favor and the meeting of the Legislature, scarcely two weeks, did not allow him to print the Laws and Journals, and was hardly sufficient to have obtained the certified copies for printing from the Secretary of State. Without any fault of his, he had been disabled from doing the State work; and he was the State Printer without having had it in his power to do the State Printing.

The impatience of the Legislature for the Laws and Journals of 1851 was all the while on the increase; and in each House a Committee was appointed to examine and report upon the subject. The Chairman of the Senate Committee was Hon. Charles F. Lott, Senator from Butte; while the Chairman of the Senate portion of the present Committee was Chairman of the Committee in the Assembly. Both Committees were unanimous in their conclusions. After a very full discussion and examination, the Assembly Committee reported that Mr. Fitch was not the State Printer—that Mr. Casserly was, and the only person authorized by law to deliver to the State the Laws and Journals of 1851; which report was accepted *nem. con.*

The Senate Committee reached the same results, and were entirely clear and decided in the opinion that the Laws and Journals could not be accepted from Mr. Fitch by the Legislature without a disregard of the decision of the Supreme Court and a violation of law. As a settlement of the difficulty, and in order that the Laws and Journals might be received by the Legislature and distributed through the State, when the want of the Statutes particularly was felt as a serious embarrassment, the Senate Committee further advised that Mr. Casserly should make an arrangement with Mr. Fitch, by which he (Casserly) should be enabled to deliver to the State the Laws and Journals, after revising and correcting the typographical errors in the volume of the Laws. This was, in fact, the only course left for Mr. Casserly, and the only one by which he could possibly meet his obligations to the State, and satisfy the desire of the Legislature for the Laws and Journals. Accordingly, he purchased of Mr. Fitch his books, paying to him about the full California prices; and after revising and correcting the volume of the Laws, inserting a copious list of errata, and his own imprint as State Printer, as required by law, he delivered the Laws and Journals to the State through the Comptroller and Secretary of State, by whom, after due examination, they were accepted, and his bills for the work were certified and audited under the Act of March 25, 1851, reducing the State Printer's rates of compensation forty per cent. from the rates of the Act of March 9, 1850.

To the correctness of these rates, your Committee have given particular attention, with especial reference to the views expressed in the "Report of the Special Committee appointed in 1853, to examine the books and papers of the State Officers." After a full examination of the various Acts upon the subject, the conclusion seemed inevitable, that the Act of March 25, 1851, reducing the prices forty per cent., fixed the true tariff for the State Printing; and, therefore, that the rates adopted by the Comptroller and Secretary of State in certifying and auditing Mr. Casserly's accounts for the Laws and Journals, were entirely correct and according to law.

In the further performance of the duty assigned to your Committee, of examining and settling Mr. Casserly's accounts, we have felt ourselves, in all cases, required to go behind the bills as audited and adjusted by the Comptroller; and in some instances, to correct his calculations, and to disallow items which had been allowed by him, and on the other hand, to allow items which had been thrown out by him.

It is due to the Comptroller to say, that the balance of these errors was on the side of the State; and that the accounts of Mr. Casserly appear to have been subjected by him to repeated examinations, calling to his aid practical printers, as required by law, retaining in his hands, until such final settlement, a large amount of money, $10,000 and upwards, due to Mr. Casserly.

In proceeding to the examination of Mr. Casserly's accounts, your Committee found before them an arduous task. Those accounts included upwards of one hundred and twenty bills, comprising many hundred items, and referring each to its appropriate voucher, nearly every bill and voucher containing two or more different classes of work; the whole involving a mass of figures and calculations of the utmost extent and intricacy.

The calculations in these accounts being such as to require the services of experienced printers, your Committee appointed, under oath, a commission of three practical printers, of known experience and capacity in the various departments of printing, with instructions to examine and calculate every item in the accounts, with reference to the voucher for each. Each of these gentlemen, thus sworn, made his examination of each item, bill and voucher, separate and apart from the others. If, upon comparing the result on each bill, any discrepancy appeared between the three, the calculations were revised, and the error ascertained and corrected. Your Committee had the assistance of these gentlemen

during three days; and they feel assured that nothing could be more rigid and thorough than their process of investigation, and that the results which they reached are as free from error as possible.

The report of these gentlemen is annexed, marked "Exhibit A;" from which it will be seen, that upon the bills audited and allowed by the Comptroller, they found a balance due to the State, of $1,234 02. The item of $2,188 17, overpaid (as appears by their report,) arose out of an error in computing the binding of the Journals. By section 12, of the Act of March 9, 1850, the rate for binding on all half-bound volumes, was 1¼ cts. per page, if the volume was under 300 pages; and one cent per page, if it contained more than 300 pages. The Journals were half-bound and more than 300 pages, and were charged (erroneously,) for binding, 1¼ cents a page, instead of one cent. The error was undoubtedly a clerical one, and appears to have escaped the attention not only of the Comptroller but of the practical printers who examined the accounts.

Most of the items reported underpaid, are for errors made in computing the number of tokens of press-work; each token being equal to 240 impressions of the printing press, which are by law counted as a token.

Of the item of $276 62, reported in "Exhibit A," as underpaid in vouchers 1025, 1026, and submitted for the consideration of your Committee, the sum of $245 has been disallowed by your Committee, being for the "composition" upon the Report of the Surveyor-General, ordered printed by the Assembly, without any charge for the composition. Although this is a restriction which the Assembly had perhaps no right by law to make, yet the work was done under the order, and Mr. Casserly apparently consented to the restriction. The charge for composition was therefore not allowed.

In addition to the bills audited and allowed by the Comptroller, your Committee have allowed two items as per bill in "Exhibit B," hereto annexed, and which had been disallowed by the Comptroller. The first item, is for marginal or side notes, index and table of contents to the Statutes, and for the index to the Journals. Without this work, the books would have been almost useless. It has always been done by the Printer to the State, has always been charged for, and except in Mr. Casserly's case, has always been allowed. According to the rates at which the same work was paid for last year by the State, the amount of this item would be $5,007. Mr. Casserly's bill is for $1,244; being as nearly as possible the amount paid in cash for the labor bestowed; and it has been allowed by the Committee.

The other item, is for carriage, labor and expenses in the purchase of the paper used by the State during the years 1851-'52. This item is chargeable under section three of the Act of March 9, 1850; and though disallowed by the Comptroller and Secretary of State, is regarded by your Committee as a very just and moderate demand for a troublesome service, and allowed accordingly.

It will be seen, therefore, that your Committee have, after a full, minute and patient investigation, disallowed an item of $1,188 17, allowed by the Comptroller; and, also, an item of $245, submitted for allowance in the report of the commission of printers; and that they have allowed the other items marked in that report as underpaid, amounting to $709 15; and, also, the items charged in "Exhibit B," amounting to $1,860 20. This leaves a balance due by the State to Mr. Casserly, of $380 18; thus—

Total of account as correctly settled by your Committee,....	$85,627 92
Total of account as audited and allowed by the Comptroller,	85,246 74
Balance due Mr. Casserly,.....	$380 18

For the payment of which balance to him, in full settlement of his accounts, your Committee submit herewith a bill for An Act, and respectfully recommend the passage of the same.

Your Committee cannot conclude without expressing their satisfaction with the result of their examination. In so large a mass of accounts, involving calculations of peculiar difficulty, important errors against the State might appear inevitable. The fact is the other way; with the single exception of the error, (manifestly clerical,) in the charge for the binding of the Journals, already noted and explained, your Committee have found no overcharge against the State; while the close examination instituted has disclosed several items in Mr. Casserly's favor, which should have been allowed, leaving a small balance still due to him by the State.

Justice to Mr. Casserly, requires us to say, that we have found his accounts with the State to have been kept with care, accuracy and clearness; every item distinctly presented the different classes of work intelligibly set forth, every bill certified to by the proper officers of the Legislature, and accompanied by a suitable voucher. To his administration of the State Printing belongs the merit of efficiency, compliance with the law, and laudable economy, as is proved by the fact, that the whole expense of the State Printing during his term of office, is less by very many thousand dollars, than the same work has ever cost the State before or since; which, in view of the circumstance, that during his term of office, wages were some 25 per cent. higher than at present, and the warrants of the State, 25 to 30 per cent. lower, is a result more profitable to the State, probably, than to the State Printer.

We will not withhold the expression of our gratification, that in those early days of our young State, the complicated and responsible duties of an important and expensive department of Government should have been administered in a manner so entirely creditable to the officer, and advantageous to the public.

All of which is respectfully submitted.

JAMES W. COFFROTH,
Chairman.

J. H. WADE,
R. T. SPRAGUE,
Senate Committee.

D. P. TALLMADGE,
Chairman.

WM. W. STOW,
Assembly Committee.

EXHIBIT A.

Sacramento, April 10, 1854.

HON. J. W. COFFROTH:
Chairman Select Committee, &c.,

SIR:—We, the undersigned, practical printers, after having been sworn by you, have examined the accounts of Eugene Casserly, Esq., as State Printer,

together with every voucher and printed document to which they refer, and report the following as the result of our examination, as will be more specifically set forth, by reference to the following table :

We find that Mr. Casserly has been overpaid $1,234 02. There are one or two omissions to charge for composition of Documents, which, having been evidently agreed to by Mr. Casserly, we did not feel authorized to go behind the charge—though by all rules governing the printing craft, we think that he should be allowed for the same. In another case, the Comptroller has disallowed Mr. Casserly's charges for the purchase and cartage of paper used in 1852, for Journals and Statutes, amounting to $268 10. The law having provided for compensation for this service, we have thought it our duty to simply call the attention of your Committee to the fact.

Respectfully yours, &c.,

J. B. DEVOE,
F. S. THOMSON,
J. WINFIELD SCOTT.

Amount of State Printing under E. Casserly.

Number of Vouchers.	Audited at.	Overpaid.	Underpaid.	True Amount of same.
674 to 676	$1,330 52		$22 50	$1,353 02
677 to 684	1,013 97		12 11	1,026 08
739 to 743	505 52			505 52
744 to 748	2,514 67		61 32	2,575 99
781 to 797	27,812 72	$2,188 17		25,624 55
811 to 813	1,631 60		145 96	1,777 56
842 to 843	1,009 83		17 52	1,027 35
844 to 847	1,893 85		58 74	1,952 59
1012 to 1024	1,681 19		21 90	1,703 09
1025 to 1026	745 00		276 62	1,021 62
1275 to 1286	11,744 36		18 91	11,763 27
1287	2,681 00			2,681 00
1293	158 40			158 40
1294	1,220 24		14 65	1,234 89
1295	745 66			745 66
1296	151 68			151 68
1297 to 1307	1,712 90		4 39	1,717 29
1308 to 1369	1,036 00		15 17	1,051 17
1310 to 1313	1,118 91		39 74	1,158 65
1610 to 1619	4,713 12		94 94	4,808 06
1723 to 1726	1,930 41		53 32	1,983 73
1727	670 69			670 69
2815	25 00			25 00
3134 to 3159	17,199 50		96 36	17,295 86
	$85,246 74	$2,188 17	$954 15	$84,012 72

BASIS OF CALCULATION.

Size of page, in Document form, 28 by 48 ems, long primer, containing 1344 ems.
Size of page, in Bill form, 48 by 74 ems, long primer, containing 3,552 ems.
Price per 1000 ems, English Language, $7 30.
" " " Figure Work, $12 77.
" " " Rule Work, $10 95.
" " " Rule and Figure Work, $14 60.
" " " Spanish Language, $14 60.
Press Work, (240 impressions a Token,) @ $7 30 per Token.
Plain Blanks, $8 50 a quire.
Blanks with Rule Work in them, $11 00 a quire.
" Figure Work in them, $12 75 a quire.
" Rule and Figure Work in them, $17 00 a quire.
Folding and Stitching, 2 cents a page for Documents and Bills.
" 1 cent a page " "

The above size of pages and the prices of State Printing work, are fixed by Chapter 26, of An Act defining the duties of State Printer, and fixing his Compensation, passed March 9, 1850; and are governed by a reduction of 40 per cent. by An Act to amend an Act defining the duties of State Printer, and fixing his Compensation, passed March 9, 1850, passed March 25, 1851; being the laws under which Mr. Casserly executed the State Printing.

EXHIBIT B.

The State of California

To EUGENE CASSERLY, DR.

Making Marginal Notes to Statutes of 1851, (534 pages); Table of Contents and Index to do., 24 pages; making Index to Journals of 1851, (1868 pages,) 47 pages solid,.....	$1,244 00
Carriage, Labor and Expenses, &c., upon purchase of paper for the State, $2,681, (see Voucher 1287); and $3,481, (see Vouchers 3134 to 3139)—Total $6,162 @ 10 per cent.,.....	616 20
Total,.....	$1,860 20

Sacramento, April 10, 1854.

EXHIBIT C.

Comptroller's Office,
Sacramento, April 10, 1854.

Hon. J. W. Coffroth, Sir:

The amount paid Eugene Casserly, Esq., as Printer to the State, is,..... $85,246 74

Respectfully,
Your obedient servant,

[Signed.] SAM. BELL.
Comptroller of State.

EXHIBIT D.

Comptroller's Office,
Sacramento, April 10, 1854.

Hon. J. W. Coffroth, Sir:

The amount paid H. G. Langley for indexing, and marginal noting,
Laws and Journals for 1852, is..... $2,421 36
Do. for the year 1853,..... 8,182 38

Total, $10,603 74

[Signed.] SAM. BELL,
Comptroller of State.

Journals of Senate and Assembly for 1853, Index 77 pages.
Statutes of 1853, (346 pages,) Contents and Index 39 pages.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills report that, on yesterday, they delivered to the Governor for his approval the following Acts:

An Act to authorize A. H. Murdock and others, to build a Wharf at the Town of Union, in Humboldt County;

An Act supplementary to the Act Incorporating the City of Benicia;

An Act to provide for the Erection of Public Buildings in the County of Napa;

An Act to authorize the Incorporation of the City of San Bernardino:

An Act explanatory of an Act entitled an Act to Incorporate the City of Los Angeles, approved April 4, 1850;

An Act to Incorporate Crescent City;

An Act to declare the Head of Navigation on the Tuolumne River;

An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850;

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853;

An Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne;

An Act to authorize the Court of Sessions of Tuolumne County to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said County;

An Act for the relief of W. N. Walton;

An Act to Fund the Floating Debt of Sacramento County, and to provide for the payment of the same; and,

An Act amendatory to an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

SAM. B. SMITH,
Chairman.

Senate Bill, No. 134, for An Act for the Settlement of the Accounts of Eugene Casserly as State Printer, was then read a first and second time, and laid, temporarily, upon the table.

The following messages were received from the Governor and read:

EXECUTIVE DEPARTMENT,
Sacramento City, April 10, 1854.

To the Senate of California:

I have, this day, approved the following Act which originated in the Senate, entitled An Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 13, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to declare the Head of Navigation on the Tuolumne River;

An Act for the relief of W. N. Walton;

An Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne;

An Act to amend an Act entitled an Act concerning the Office of Comptroller, passed January 19, 1850;

An Act to authorize the Court of Sessions of the County of Tuolumne to levy

and collect a Special Tax for the support and maintenance of the Indigent Sick of said County; and,

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

JOHN BIGLER.

A communication from the Secretary of State, in reference to Stationery, was read; and,

On motion of Mr. Sawyer, referred to the Committee on Public Expenditures.

Leave being granted, Mr. Mahoney introduced a bill for An Act to provide for the Selection of Jurors for the Courts of the County of San Francisco.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Sawyer gave notice that he will, on to-morrow, introduce a bill submitting the Division of Calaveras County to the Legal Voters of said County.

Leave being granted, Mr. Mahoney introduced a bill for An Act supplementary to, and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Moore gave notice that he would, at an early day, introduce a bill for An Act to Prevent the Disposal of the Reversionary Interest of the State in certain Property in the City of San Francisco.

Senate Bill for An Act for the Settlement of the Accounts of Eugene Casserly as State Printer, was again taken up, amended; and,

On motion of Mr. Coffroth, read a third time and passed.

On motion of Mr. Hook, Assembly Bill for An Act to submit the question of the Removal of the County Seat of El Dorado County to the Voters thereof.

Taken up, read a third time and passed.

On motion of Mr. Crenshaw, the Senate proceeded to the consideration of the Revenue Bill, as in Committee of the Whole, Mr. Hall in the chair.

After some time spent in the consideration of the bill, the Committee rose and reported it back, asking to be discharged from its further consideration.

On motion of Mr. Sawyer, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

SATURDAY, April 15, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of yesterday was read and approved.

Mr. Peck moved a call of the Senate, which was agreed to, and the roll being called, the following Senators were found absent without leave:
Messrs. Bryan, Gardner, Hagar, Hall, Livermore and Wade.
On motion of Mr. Sawyer, leave of absence for one day was granted to Mr. Walkup.
The call was temporarily suspended, when Mr. Crenshaw, according to previous notice, introduced a bill for An Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the eastern line of this State, with Branches thereto.
Read a first and second time, and referred to the Committee on Corporations.
On motion of Mr. Sprague, further proceedings under the call were dispensed with.
Mr. Coffroth submitted the following preamble and resolution, which were unanimously adopted:

Whereas, The painful intelligence has this morning reached the Capital, that the aged and venerated mother of our present Chief Magistrate, Governor John Bigler, departed this life on the 16th ultimo, at the advanced age of seventy-four years; therefore,
Resolved, By the Senate, the Assembly concurring, that as a tribute of respect to the deceased mother of the Governor of this State, the two Houses do now adjourn.

A message was received from the Assembly, informing the Senate that the Assembly had concurred in the resolution to adjourn.
The President *pro tem.* pronounced the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, April 17, 1854.

Senate met pursuant to adjournment.
President *pro tem.*, in the chair.
Prayer by the Rev. Mr. Benton.

On motion of Mr. Sprague, the roll was called, and the following Senators were found absent:

Messrs. Bryan, Colby, Crenshaw, Gardner, Hagar, Hall, Hudspeth, Kendall, Kurtz, Livermore, Mahoney, Moore, McFarland, Smith, Stebbins and Tuttle.

No quorum being present, Mr. Sprague moved a call of the Senate, and the following Senators were found absent without leave:

Messrs. Bryan, Colby, Crenshaw, Gardner, Hagar, Hall, Hudspeth, Kendall, Kurtz, Livermore, Mahoney, Moore and Stebbins.

Mr. Moore appeared, and was admitted.

Mr. Colby appeared, and, on motion of Mr. Coffroth, was fined $4.

Mr. Kurtz appeared, and was fined $4.

Mr. Hall appeared, and, on motion of Mr. Smith, was fined $4 50.

On motion of Mr. McGarry, the call was, temporarily, suspended, and the Journal of Saturday was read and approved.

The Senate was declared by the Chair to be under a call.

On motion of Mr. Sawyer, the call was suspended, to allow Mr. Sprague to introduce a bill.

Mr. Sprague introduced a bill for An Act concerning Public Ferries and Toll Bridges.

Read a first time, and, objection being made to the second reading, it was laid over under the rule.

On motion of Mr. Smith, the usual number of copies were ordered printed.

The Senate being under a call, Mr. Kendall appeared, and was fined $4 50 for absence.

On motion of Mr. Sawyer, further proceedings under the call were dispensed with.

Mr. McGarry presented a remonstrance of citizens of Yolo County against the passage of a bill imposing a tax to fund the debt of said county.

Read, and referred to Mr. McGarry.

Mr. May, Chairman of the Committee on the State Library, reported back the following bills, recommending their passage:

An Act appropriating five thousand dollars to procure a State Library;

An Act to amend section second of an Act entitled an Act to regulate the Fees in Office, passed May 1, 1851; and,

An Act supplementary to an Act concerning the Office of Secretary of State, passed January 24, 1850.

The report was accepted, and laid upon the table.

Mr. Sprague moved a call of the Senate.

Agreed to; and Messrs. Coffroth, Hall and Kurtz, were found absent without leave.

The following Senators were granted leave of absence for one day:
Messrs. Bryan, Crenshaw, Gardner, Hagar, Livermore and Mahoney.
Mr. Hall appeared, and was admitted.

On motion of Mr. McGarry, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, April 18, 1854.

Senate met pursuant to adjournment.
President in the chair.
The Journal of yesterday was read and approved.

Mr. Kendall, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for An Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.

Mr. Keene submitted the following:

Resolved, That the new Senators, to wit: the three Senators elected from the Eighteenth District, shall determine among themselves, which one shall hold the short term; the Senators elected from the Fifteenth District, and the Senators elected from the Nineteenth District shall, in like manner, determine which member of each delegation shall hold the short term; and the Senators elected from the First and Twentieth Districts shall, also, determine, by lot, which one of their number shall hold the short term. In every case where there is a vacancy, or where the member is absent, or refuses to draw and comply with the provisions of this resolution, then the President of the Senate shall draw for him.

On motion of Mr. Keene, the resolution was laid upon the table, and made the special order, immediately after the reading of the Journal on to-morrow

Senate Bill for An Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.

Read a third time and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853;

An Act to provide for the Organization of the Court of Sessions in and for the County of Yolo; and,

An Act to provide for the Erection of a Wharf at Santa Barbara.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 218, for An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Read a first and second time, and referred to the Committee on State Hospitals.

Assembly Bill, No. 170, for An Act to provide for the Organization of the Court of Sessions in and for the County of Yolo.

Read a first and second time, and laid on the table.

Assembly Bill, No. 235, for An Act to provide for the Erection of a Wharf at Santa Barbara.

Read a first and second time, and referred to Mr. De La Guerra.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Concurrent Resolution to adjourn *sine die*, and have amended the same as therein shown.

Respectfully,

B. McALPIN, Clerk.

The Senate concurred in Assembly amendment, to adjourn *sine die*, on the 15th of May.

Assembly Bill, No. 139, for An Act to create the Office of State Printer, and define the Duties and Compensation thereof, and to provide for the time and manner of Election, was read a second time.

Mr. Coffroth moved to refer the bill to the Committee on Public Printing.

Upon which the ayes and nays were demanded by Messrs. Sprague, Kendall and Bryan, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crenshaw, De La Guerra, Keene, Kendall, Kurtz, May, McFarland, Peck, Sawyer, Wade and Walkup—12.

NAYS.

Messrs. Bryan, Coffroth, Hook, Mahoney, Moore, Sprague, Stebbins and Tuttle—8.

Assembly Bill, No. 26, for An Act to reduce the Salaries of State Officers and the Pay of Members of the Legislature, was considered as in Committee of the Whole, Mr. Wade in the chair.

After some time spent in the consideration thereof, the Committee rose and reported the bill back, and asked to be discharged.

The Committee was discharged.

Mr. Bryan moved that the bill be indefinitely postponed.

Upon which the ayes and nays were demanded by Messrs. Sawyer, Sprague and Grewell, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Crabb, Grewell, De La Guerra, Hall, Keene, Kendall, Kurtz, Moore, McFarland, McGarry, Peck, Smith, Sprague, Tuttle, Wade and Whiting—18.

NAYS.

Messrs. Coffroth, Crenshaw, Hook, May, Sawyer and Walkup—6.

Mr. Crenshaw, of the Joint Committee on Enrolled Bills, reported as correctly enrolled, Assembly Bills for An Act to Locate the County Seat of Sonoma County anew;

An Act to submit the question of the removal of the County Seat of El Dorado County to the Voters thereof; and,

An Act to Incorporate the Town of Alameda.

Leave being granted, Mr. Kendall introduced a bill for An Act amendatory of an Act entitled an Act to create the County of Stanislaus.

Read a first and second time, and referred to the Delegation from Tuolumne.

According to previous notice, Mr. Moore introduced a bill for An Act to prevent the Disposal of the Reversionary Interest of the State in certain Property in the City of San Francisco.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Sprague, the Senate proceeded to the consideration of the Revenue Bill.

The first ten amendments of the Committee of the Whole were concurred in by the Senate.

Upon the adoption of the eleventh amendment, which was to insert in the third line of section ten, after the word "hire," the following: "except mules, horses and other animals, used in the transportation of goods."

The ayes and nays were demanded by Messrs. Coffroth, Tuttle and Wade, and the amendment was concurred in by the following vote:

AYES.

Messrs. Bryan, Coffroth, De La Guerra, Hall, McFarland, Sawyer, Tuttle, Wade and Whiting—9.

NAYS.

Messrs. Catlin, Hagar, Hook, Keene, Moore, Peck, Smith, Sprague and Walkup—9.

The Senate being equally divided, the President voted in the affirmative.

Upon concurring in the twelfth amendment of the committee, which was to strike out in lines eighteen, nineteen, twenty, twenty-one and twenty-two, of section ten, the following words: "and of two thousand five hundred and less than five thousand dollars, shall constitute the eleventh class; of two thousand five hundred dollars and all amounts under that sum, shall constitute the twelfth class."

The ayes and nays were demanded by Messrs. Tuttle, Whiting and Grewell, and the following vote was had:

AYES.

Messrs. Bryan, De La Guerra, Hagar, Hook, Mahoney, May, Peck, Sm, Sprague, Wade, Walkup and Whiting—12.

NAYS.

Messrs. Catlin, Coffroth, Crenshaw, Hall, Keene, McGarry, Sawyer and Tuttle—8

Mr. Sprague moved to reconsider the vote just taken.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Stebbins and Peck, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crenshaw, Grewell, Hall, Keene, May, McFarland, McGarry, Sawyer, Sprague, Stebbins, Tuttle and Walkup—14.

NAYS.

Messrs. Bryan, De La Guerra, Hagar, Hook, Kurtz, Mahoney, Peck, Smith, Wade and Whiting—10.

Mr. Smith offered the following as a substitute for the amendment of the Committee: Strike out all after the word "class," in the fifteenth line, to the period in the twenty-second line, and insert the words "of ten thousand and less than twenty thousand, shall constitute the second class; of five thousand and less than ten thousand, the eighth class; of one thousand and less than five thousand, the ninth class; of all amounts under that sum the tenth class."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Tuttle, Sawyer and Stebbins, with the following result:

AYES.

Messrs. Bryan, De La Guerra, Hagar, Hook, Kurtz, Mahoney, May, McGarry, Peck, Smith, Wade and Whiting—12.

NAYS.

Messrs. Catlin, Coffroth, Crenshaw, Hall, Keene, McFarland, Sprague, Stebbins, Tuttle and Walkup—10.

The thirteenth amendment of the Committee was adopted.

Mr. Hagar offered the following substitute for the fourteenth amendment: Strike out all after the words "granted by," in line thirty-two of section ten, and insert, "this article shall be paid to the County Treasurer, one-sixth thereof for County purposes, and the balance for State purposes."

The substitute was lost.

Mr. Sprague moved to amend by striking out the words "sections one and two," in lines thirty-two and thirty-three, and insert "this and the preceding section;" and striking out in the thirty-fourth line, the words "ten, eleven and twelve," and inserting "nine and ten."

Agreed to.

Mr. Bryan moved to amend section eleven, by inserting in the eighth line, after the word "dollars," "and more than two thousand five hundred dollars;" and in the ninth line, add, after the word "class," "and all sales less than twenty-five hundred dollars shall constitute the fourth class;" and in the eleventh line, add, after the word "month," "and of the fourth class, two dollars and fifty cents per month." Upon the adoption of which, the following vote was had:

AYES.

Messrs. Bryan, Coffroth, Kurtz and Tuttle—4.

NAYS.

Messrs. Catlin, Crenshaw, Hall, Hook, Keene, May, McFarland, McGarry, Peck, Sawyer, Sprague, Stebbins and Walkup—13.

No quorum voted, but a quorum being present, the Chair decided the amendment lost.

The fourteenth amendment of the Committee was concurred in.

Mr. Tuttle moved to amend section 12 by striking out the words "restaurant, coffee-house, eating-house and refreshing beverages."

Lost.

The 15th, 16th, 17th and 18th amendments of the Committee were concurred in.

Mr. Bryan submitted the following as section 15: "All licenses to be collected under this article of this Act shall be collected by the Sheriff and his legally appointed deputies in each County of the State; and it shall be the duty of each County Auditor to issue to the Sheriff, and take his receipt for the same, all blank licenses which may be necessary in said County; and the said Sheriff shall receive for his compensation ten per cent. of all proceeds arising from the issuance and collection of said licenses."

Mr. McGarry moved to amend the amendment by striking out the word "Sheriff."

The ayes and nays were demanded by Messrs. McGarry, Tuttle and Bryan, and it was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Hagar, McFarland, McGarry and Sawyer—8.

NAYS.

Messrs. Bryan, Hall, Hook, Keene, Kendall, Mahoney, Moore, Peck, Smith, Sprague, Stebbins, Tuttle, Wade and Walkup—14.

Mr. McGarry moved that the Senate adjourn.

Lost.

Mr. Peck moved to amend the amendment, by striking out "ten per cent." and inserting "five per cent."

Lost.

Upon the adoption of the amendment, the ayes and nays were demanded by Messrs. Bryan, Stebbins and Tuttle, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, May, Peck, Smith, Sprague, Stebbins and Wade—8.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, De La Guerra, Hagar, Hall, Hook, Keene, Kurtz, Mahoney, Moore, McFarland, McGarry, Sawyer, Tuttle, Walkup and Whiting—17.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act to repeal an Act entitled an Act to authorize the Treasurer of the State to make Special Deposits, passed May 4, 1852; and,

An Act to authorize the Redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their redemption.

SAM. B. SMITH,
Chairman.

Mr. Smith moved to amend by inserting at the close of section 13 the following: "Any County Auditor in the State shall be authorized to issue the Licenses contemplated in this section; which License, so issued, shall authorize the holder of the same to vend goods, wares and merchandise, as set forth in said License, in any County in this State."

On motion of Mr. Sawyer, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

WEDNESDAY, April 19, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Senate Resolution relative to drawing for terms of Senators from certain Districts.
Laid upon the table, temporarily.

Mr. Catlin submitted the following report:

Mr. President:

The undersigned, a minority of the Judiciary Committee, to which was referred Senate Bill, No. 105, regret that the majority of said committee could not agree with them in recommending to the Senate for adoption, the bill which we herewith submit as a substitute.

A. P. CATLIN,
G. D. HALL,
J. W. COFFROTH.

Mr. Stebbins submitted the following report:

Mr. President:

The Committee on Commerce and Navigation, to which was referred Senate Bill for An Act supplementary to and amendatory of an Act to provide for the Measurement of Lumber, passed April 30, 1853, have had the same under consideration, and would respectfully report it back to the Senate with the accompanying amendments, recommending their adoption and the passage of the bill.

J. G. STEBBINS,
Chairman *pro tem.*

The following Special Message of the Governor was received and read; and, On motion of Mr. Bryan, was referred to the Committee on Public Lands.

EXECUTIVE DEPARTMENT,
Sacramento City, April 17, 1854.

To the Senate and Assembly of California:

Since the commencement of the present session, I have carefully examined the provisions of an Act of Congress, approved September 28, 1850, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits, as well as the instructions given by the proper officers of the General Government in relation to the selection of the lands donated by the Act.

The Act makes it the duty of the Secretary of the Interior, as soon as practicable, "to make out accurate lists and plats of the lands described as swamp and overflowed, and transmit the same to the Governors of the several States interested, and at the request of the Governors, cause a patent to be issued to the States therefor; and on the patent so issued, the fee simple to said lands shall vest in the States, subject to the disposal of the Legislature thereof." And it further provides, "That in making out lists and plats of the lands aforesaid, all legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats; but when a greater part of a subdivision is not of that character, the whole of it shall not be included."

The fourth section of the Act extends its provisions to each of the other States of the Union, containing swamp or overflowed lands.

This important subject has engaged the attention of all the other States interested. In Ohio, Indiana, Louisiana and Florida, selections have been made, based upon evidence filed in the office of the Surveyor-General, by the State authorities. In Illinois, Missouri, Alabama, Mississippi, Michigan, Arkansas and Wisconsin, selections have been made by the Surveyor-General, based upon the filed notes and evidence procured by the State authorities. Although in several of the States above named, full returns have been made, the whole number of acres selected and reported is 28,156,670, as follows: Ohio, 25,720; Indiana, 1,255,038; Illinois, 1,833,412; Missouri, 1,517,287; Alabama, 2,136,450; Mississippi, 2,239,922; Louisiana, 9,164,922; Michigan, 4,544,189; Arkansas, 4,807,673; Florida, 1,000,763; Iowa, 71,958; Wisconsin, 1,259,269 acres.

The whole number of acres of land in California, is estimated at 120,947,840; of which it is believed about the tenth part is swampy or "subject to overflow," amounting in the aggregate, to 12,094,784 acres.

The authorities of the United States in the designation of the swamp or overflowed lands, in the absence of other satisfactory evidence, it is proper to state, will take the field notes of the surveys, *alone*, as the basis from which to make out lists or plats.

Selections based upon the field notes alone, must necessarily be very imperfect, and would deprive the State of California of a large portion of the best lands to which she is entitled under the Act; for the reason that the surveys may have been made at different periods, in wet and dry seasons, and the field notes, would, therefore, only indicate what is swamp, and what lands were actually *under water* at the time of the survey. The field notes made in dry seasons, would, of course, furnish no evidence as to whether lands are, or are not "subject to overflow."

In order, therefore, to secure to the State of California all the lands within her limits, "subject to overflow," and to which she is justly entitled under the Act, it will be necessary to authorize the agents of the State to procure and present

to the proper officers of the General Government, satisfactory testimony on the subject.

The Commissioner of the General Land Office on the 21st of November, 1850, issued instructions to the Surveyor-General of Florida and officers in other States in relation to the selection of lands granted under the Act of September 28, 1850.

The instructions of the Commissioner, indicate a disposition on the part of the General Goverment to render all the aid possible to enable the several States interested to secure and reclaim the lands "subject to overflow," situated within their limits.

Although a portion of these lands are, at present, perhaps, of but little value to the State, they will, in time, be a source of much revenue to the Treasury, and their reclamation add greatly to the wealth and prosperity of California.

Proper measures should, therefore, at once be adopted to secure all the lands granted, and judicious Legislative measures matured for their disposal by agents of the State, with such limitations, restrictions and requirements, as may be regarded as necessary to protect the rights of all interested, and ensure their speedy reclamation.

The instructions of the Commissioner of the General Land Office, direct the several Surveyor-Generals to regard as granted by the Act referred to, "all lands which from being swampy or *subject to overflow*," are unfit for cultivation; and in which class are to be included, also, "all lands, which, though dry part of the year, are subject to inundation at *planting*, *growing*, or *harvesting* seasons, so as to destroy the crop, and, therefore, are unfit for cultivation, taking the average of the seasons for a reasonable number of years, as the rule of determination."

This is certainly a very liberal construction of the Act, and proper legislation to procure testimony on the subject, will secure to the State of California, millions of acres of the most productive lands within the limits of the State.

In a letter to Gov. Brown, of Florida, enclosing a copy of the instructions above referred to, the Commissioner of the General Land Office says: "You will perceive that by these instructions, the Surveyor-General is authorized to receive such reliable evidence of the character of any of these lands, as may be presented by the authorities of the State; and as many of the lands were surveyed at dry seasons, and hence are not represented by the descriptive notes or plats, as being of that character. I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your state, for statements, under oath, in relation to the swamp or overflowed lands in their respective Counties. Such testimony will be regarded as establishing the facts in the case, &c.

In conclusion, I would most earnestly recommend the passage of an Act authorizing testimony to be taken and presented to the United States Surveyor-General, in relation to overflowed lands, in accordance with the suggestion of the Commissioner of the General Land Office, so as to secure to the State a title to all lands within her limits "subject to overflow." And, also, an Act authorizing the agents of the State to dispose of all such lands, and to provide for their speedy reclamation.

The subject is commended to your early and favorable consideration, as one of vast importance to the interests and prosperity of the people and State of California.

JOHN BIGLER.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 18, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit, and commend to your early attention, a copy of a communication received to-day from Hon. S. A. McMeans, State Treasurer.

JOHN BIGLER.

The message and communication were read, and referred to the Committee on Finance.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to provide for the Survey of a Portion of the Northern Boundary of this State.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 259, for An Act to provide for the Survey of a Portion of the Northern Boundary of this State, was read a first and second time, and,

On motion of Mr. May, was referred to a select committee of three.

Messrs. May, Sprague and Crabb were appointed the committee.

Leave being granted, Mr. Crabb introduced a bill for An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said County.

Read a first, second and third time, and passed.

Leave being granted, Mr Catlin introduced a bill for An Act to authorize the Mayor and Common Council of the City of Sacramento to levy and collect a Special Tax for the Redemption of the Bonds of said city.

Read a first and second time, and referred to the Delegation from Sacramento.

Leave being granted, Mr. Keene introduced a bill for An Act supplementary to an Act approved May 3, 1852, entitled an Act to provide for the Disposal of the Five Hundred Thousand Acres of Land granted to this State by Act of Congress of September 4, 1841.

Read a first and second time, and referred to the Committee on Public Lands.

Leave being granted, Mr. Sawyer introduced a bill for An Act granting to the Electors of Calaveras county the Privilege to Vote For or Against a Division of said County.

Read a first and second time, and referred to the Delegation from Calaveras.

Leave being granted, Mr. Moore introduced a bill for An Act to change the Name of George Davenport Parmlee to that of George Curtis Currie.

Read a first, second and third time, and passed.

Leave being granted, Mr. Catlin introduced a bill for An Act to fix the Place of Residence of certain State Officers.

Read a first time, and, objection being made to second reading, it was laid over.

Leave being granted, Mr. Hagar introduced a bill for An Act to provide for the Payment of the Compensation due certain Members and Attachés of the Legislature of this State.

Read a first and second time.

On motion of Mr. Smith, the fifth line of section one was amended, by inserting the words "or attaché" after the word "member," and making the bill and title correspond with the amendment.

The bill was then read a third time and passed.

Mr. Kurtz moved that 150 copies of Senate Bill for An Act to encourage the Construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with Branches thereto, be ordered printed.

Agreed to.

Leave being granted, Mr. Catlin introduced a bill for An Act to define the Rights of Claimants to the Waters of Streams in the Mining Districts of this State, for Mining Purposes.

Read a first and second time, and,

On motion of Mr. Kendall, was referred to the Committee on Mines and Mining Interests; and,

On motion of Mr. Crenshaw, 150 copies were ordered printed.

Leave being granted, Mr. Colby introduced a bill for An Act giving Power to the Court of Sessions of Sacramento County to Cancel certain Delinquent Taxes assessed for the year 1852.

Read a first and second time, and referred to the Sacramento Delegation.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 114: An Act allowing the Court of Sessions of Yuba county to levy a Special Tax for the Support of the Indigent Sick of said county.

They passed Assembly Bill, No. 185, An Act to fund the Debt of the County of Solano, and to provide for the Payment thereof; also,

A Concurrent Resolution in reference to certain Abolition Documents directed to Members of the present Legislature.

All of which is, herewith, respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 185, for An Act to Fund the Debt of the County of Solano, and to provide for the Payment thereof, was read a first and second time, and,

On motion of Mr. Wade, referred to Mr. McGarry.

Mr. Whiting moved to indefinitely postpone Assembly Concurrent Resolution in reference to certain Abolition Documents.

Upon which the ayes and nays were demanded by Messrs. Whiting, Sawyer and Walkup, and which resulted as follows:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, De La Guerra, Hagar, Hall, Hook, Lent, Livermore, Lyons, Moore, McGarry, Sprague, Stebbins, Wade and Whiting—17.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Keene, Kendall, Kurtz, May, McFarland, Peck, Sawyer, Smith and Walkup—14.

Leave being granted, Mr. Hagar introduced a bill for An Act to regulate the Payment by the State Treasurer of the Warrants of the Comptroller of this State.

Read a first and second time, and referred to the Committee on Finance.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, yesterday, a bill for An Act amendatory of an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1853.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 61, for An Act amendatory of an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1853.

Read a first and second time, and referred to the Committee on Mines and Mining Interests.

On motion of Mr. Keene, the resolution in reference to Senators drawing for Terms, was taken from the table, and adopted.

The President drew for Mr. Leake, who was absent, the long term; Mr. Sawyer, the short term.

The President drew for Mr. Gardner the short term; Mr. McFarland, the long term.

Messrs. Keene and Hall drew the long terms; Mr. Hook, the short term.

Mr. Livermore being considered the successor for the unexpired term of Senator Walton, did not draw.

Mr. Sprague submitted the following report:

Mr. President:

The Finance Committee, to whom was referred Assembly Bill, No. 98, An Act to authorize the Governor of this State to convey certain Property in the City and County of San Francisco to the United States, have had the same under consideration, and now ask leave to report the same back, and recommend the passage of a substitute herewith reported.

Respectfully,

R. T. SPRAGUE,
Chairman.

On motion of Mr. Wade, the Resolutions and Substitute in reference to the "Nebraska Bill," were taken from the table.

Mr. Coffroth moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent: Messrs. Colby, Grewell, Kendall and Kurtz.

Messrs. Kendall and Kurtz appeared, and were admitted.

On motion of Mr. Sprague, further proceedings under the call were dispensed with.

The question being on the adoption of the substitute,

The ayes and nays were demanded by Messrs. Sawyer, Crenshaw and Walkup, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Stebbins and Whiting—13.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, May, McFarland, McGarry, Peck, Sawyer, Smith, Tuttle, Wade and Walkup—19.

Mr. Coffroth offered the following substitute for the first clause of the preamble:

"*Whereas*, A bill to organize the Territory of Nebraska has been introduced into the Senate of the United States, which bill recognises the following doctrines."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Coffroth, Catlin and Crenshaw, and it was adopted by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Gardner, Hagar, Hall, Kurtz, Lyons, Mahoney, McGarry, Peck, Sawyer, Smith, Sprague, Stebbins, Wade and Whiting—19.

NAYS.

Messrs. Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, May, McFarland, Tuttle and Walkup—10.

Mr. Coffroth moved to amend the first resolution, by inserting in the third line, after the word "provisions" the words "as above set forth;" and in the fourth and fifth lines, strike out the words "by Senator Douglas of Illinois."

The ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Gardner, Hagar, Hall, Kurtz, Lent, Lyons, Mahoney, McGarry, Peck, Smith, Stebbins, Wade and Whiting —18.

NAYS.

Messrs. Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, May, McFarland, Sawyer, Sprague, Tuttle and Walkup—12.

Mr. Crabb moved to amend by adding at the close of the second clause of the preamble, after the word "purpose," the words "that the Compromise of 1850 is inconsistent with and supersedes the Compromise of 1820, known as the Missouri Compromise."

The ayes and nays were demanded by Messrs. Bryan, Crenshaw and Kendall, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, May, Sawyer, Smith, Tuttle, Wade and Walkup—16.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Kurtz, Lent, Lyons, Mahoney, McGarry, Sprague, Stebbins and Whiting—12.

Mr. Hall moved the previous question.

Sustained.

Mr. Sprague moved a call of the Senate.

Lost.

The question being, "Shall the Resolutions be engrossed for a third reading?" it was decided in the affirmative.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

Thursday, April 20, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hager presented a petition from the Managers of the San Francisco Orphan Asylum, praying an appropriation for that Institution, which was read, and,

On motion of Mr. Hagar, was referred to the Committee on State Hospitals, with instructions to introduce a bill favorable to the prayer of the petitioners.

Mr. Lent presented a petition of Merchants and Dealers in Lumber in the City of San Francisco, adverse to the amendment of An Act to provide for the Measurement of Lumber, approved April 30, 1853, making it compulsory.

Read and laid upon the table.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back a bill for An Act to prevent the Disposal of the Reversionary Interest of the State in certain Property in the City of San Francisco, recommending its favorable consideration.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined, and find correctly engrossed, Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States, on the 23d of January, 1854.

CHAS. A. TUTTLE,
Chairman.

Mr. Kendall submitted the following report:

Mr. President:

Your Committee, to whom was referred Assembly Bill, No. 218, for An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853, have carefully examined the same, and are of opinion that the passage of the same is highly necessary, and would be conducive to the best interests of the institution.

Respectfully submitted,
THOS. KENDALL,
D. MAHONEY.

Mr. Grewell submitted the following report :

Mr. President :

The undersigned, to whom was referred Assembly Bill, No. 233, An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same, report it back with amendments, recommending their adoption and the passage of the bill.

J. GREWELL.

Mr. May submitted the following report :

Mr. President :

The Select Committee, to whom was referred Assembly Bill, No. 259, for An Act to provide for the Survey of a portion of the Northern Boundary of this State, have had the same under consideration and recommend its passage.

W. B. MAY,
Chairman.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento City, April 19, 1854.

To the Senate of California :

I have, this day, approved the Acts which originated in the Senate, to wit : An Act to authorize the Redemption of State Prison Bonds, and to Dispose of the Special Fund heretofore provided for their redemption;

An Act to repeal an Act entitled an Act to authorize the Treasurer of the State to make Special Deposits, passed March 4, 1852.

JOHN BIGLER.

The following Special Message was received from the Governor.
Read and laid upon the table.

EXECUTIVE DEPARTMENT,
Sacramento City, April 20, 1854.

To the Senate and Assembly of California :

I have the honor, herewith, to transmit a copy of a communication, addressed by me, to the Chairman of the Committee on Escheated Estates, appointed by the State Board of Land Commissioners, and, also, a copy of the reply of the Committee to the same. The information communicated, in reply, is exceedingly important, and, I trust, will induce the Legislature, without delay, to adopt the

necessary measures to secure the rights of the State in the property referred to in the communication herewith transmitted, as well as the Leidesdorff Estate, to which your attention was some time since directed by special message.

JOHN BIGLER.

Executive Department,
Sacramento City, March 31, 1854.

L. Pickering, Esq.,
Dear Sir:

A few days since, it was intimated to me, by an Attorney, that there is another large Escheated Estate in the City of San Francisco. This morning I interrogated Dr. Hermance on the subject, who advised me to communicate with you, as you are the Chairman of the Committee on Escheated Estates. At this time, it is important that I should possess all the information on the subject of the Leidesdorff Estate, as well as all others of the kind, possible to be obtained. I hope you will make inquiry, and write me on the subject without delay.

Very Respectfully,
Yours, &c.
JOHN BIGLER.

San Francisco, Cal., April 18, 1854.

To His Excellency, Gov. John Bigler,
Dear Sir:—

Your communication, in relation to Escheated Estates, bearing date March 31, came to hand, yesterday, and was laid before the California Land Commissioners, and referred to the Committee on Escheated Estates.

On behalf of that committee, I am authorized to say, that inquiries have been made, and we learn that a German by the name of Augustus Deck, (a German by birth, and not naturalized) died in this City in Oct. last, possessed of property to the value of over one hundred thousand dollars, which we have good reason for believing has escheated to the State of California.

Very Respectfully,
Yours, &c.

L. PICKERING,
Chairman of Committee on Escheated Estates.

On motion of Mr. Catlin, a bill for An Act supplementary to, and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1353.

Referred back to the Committee on Commerce and Navigation.

Leave being granted, Mr. May introduced a bill for An Act for the relief of D. D. Colton for services rendered, and expenses incurred, as agent, appointed by the Governor of California.

Read a first and second time, and referred to the Committee on Claims.

Senate Bill, No. 150, for An Act to fix the Place of Residence of certain State Officers.

Read a second time, and laid on the table.

Mr. Moore presented a petition of citizens of San Francisco, favorable to the amendment of the Law to provide for the Measurement of Lumber, making it compulsory.

Read and referred to the Committee on Commerce and Navigation.

Senate Bill for An Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes, substitute for Assembly Bill, No. 98, of similar title, was adopted and considered as in Committee of the Whole, Mr. Hall in the chair.

After some time spent in the consideration thereof, the committee rose and reported it back with amendments, in which the concurrence of the Senate was asked.

Mr. Coffroth moved to amend, by inserting in the seventh line of the second section, after the word "act," the words, "or appoint some one to act for him."

Upon which the ayes and nays were demanded by Messrs. Coffroth, Grewell and Tuttle, and it was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crabb, Hagar, Lyons, Tuttle and Whiting—7.

NAYS.

Messrs. Bryan, Crenshaw, Gardner, Grewell, Hall, Hook, Kendall, Lent, Livermore, May, McFarland, McGarry, Peck, Sawyer, Sprague, Stebbins, Wade and Walkup—18.

The second amendment of the Committee was concurred in.

Mr. Keene moved to amend the second section, by inserting in the sixth line, after the words "Samuel J. Bridge," the words, "or his successor in office."

Adopted.

Mr. Lyons moved to amend the third section, by striking out in the seventh line, the words; "of one-half."

Upon which the ayes and nays were demanded by Messrs. Lyons, Gardner and Lent, and it was adopted by the following vote:

AYES.

Messrs. Coffroth, Crabb, Gardner, Grewell, De La Guerra, Hook, Livermore, Lyons, May, McFarland, Sawyer, Tuttle, Wade, Walkup and Whiting—15.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hagar, Hall, Keene, Lent, Moore, McGarry, Peck, Sprague and Stebbins—13.

On motion of Mr. Crabb, the bill was ordered engrossed for a third reading.

Leave being granted, Mr. Catlin introduced a bill for An Act fixing the Age of Majority of Males and Females in this State.

Read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. Catlin, also, introduced a bill for An Act entitled An Act to regulate the Settlement of the Estate of Deceased Persons, passed May 1st, 1851.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Keene submitted the following report:

Mr. President:

The Committee on Public Lands, to whom was referred Joint Resolutions in relation to An Act of Congress concerning Private Land Claims in the State of California, have had the same under consideration, and report it back with an amendment, and recommend its passage.

B. F. KEENE,
Chairman.

The report was accepted, and laid upon the table.

Mr. Colby submitted the following report:

Mr. President:

The Joint Committee, appointed to investigate the Charge of Frauds in the Election Returns of 1851, for Governor and Lieutenant-Governor, ask leave to submit the following report:

The evidence adduced before said Committee, and herewith submitted, is not sufficient to establish the belief that fraud was committed in the Election Returns of 1851, for Governor and Lieutenant-Governor; neither is there any evidence of alterations or frauds in the Election Returns of '51, as filed in the Secretary of State's Office.

All of which is respectfully submitted.

G. W. COLBY,
Chairman.
JAMES W. COFFROTH,
HENRY A. CRABB,
Senate Committee.

W. P. TALLMADGE,
Chairman.
S. W. HORR,
JOS. S. WATKINS,
Assembly Committee.

Leave being granted, Mr. Moore introduced a bill for An Act to authorize Boards of Supervisors, or Courts of Sessions of the Counties of the State, to levy and collect a County Tax, for the benefit of Fire Departments organized therein.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Crabb submitted a proposal of Edwin D. Coleman to perform the State Printing at certain reduced rates.

Read and referred to the Committee on Public Printing.

Mr. May submitted the following :

Resolved, That the Chairman of the Committee on Roads and Highways is instructed to report, to-morrow, a bill for An Act to authorize R. N. Thornbury and others, to construct a Road from Yreka to Crescent City.

The resolution was adopted.

Mr. Sawyer introduced the following, which was adopted :

Resolved, That the Governor is hereby requested to communicate to the Senate, any information which he may have, in relation to the payment of the Civil Fund and War Debt by the General Government.

Leave being granted, Mr. Moore introduced a bill for An Act to ratify and confirm an Ordinance passed by the City of San Francisco, authorizing the Building of a Plank Road along Pacific Street.

Read a first and second time, and referred to the Delegation from San Francisco.

On motion of Mr. Crabb, Joint Resolutions in reference to the Nebraska Bill, was taken up and read a third time.

Mr. Kendall moved a call of the Senate.

Agreed to ; and the roll being called, the following Senators were found absent : Messrs. Gardner, Grewell, De La Guerra, Keene, Lent, Livermore, Mahoney, May, Moore, Peck, Stebbins and Whiting.

Messrs. Grewell and Keene appeared and were admitted.

Mr. May appeared and was admitted.

On motion of Mr. Wade, further proceedings under the call were dispensed with.

Mr. Moore moved to re-commit with instructions to bring in the following as a substitute:

Resolved, By the Senate, the Assembly concurring, that such of the principles of the bill, known as the Nebraska Bill, relating to the right of that Territory to regulate the entire subject of Slavery, whether to admit or prohibit its introduction, should, and do apply to all Territories whatsoever, and to all new States applying for admission, alike, and the consent and permission of Congress thereto not required.

Upon which the ayes and nays were demanded by Messrs. Wade, Kendall and Livermore, and it was lost by the following vote :

AYES.

Messrs. Bryan, Colby, Hagar, Kurtz, Livermore, Mahoney, Moore, Peck, Sprague, Stebbins, Tuttle and Whiting—12.

NAYS.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Lyons, May, McFarland, McGarry, Sawyer, Smith, Wade and Walkup—19.

The vote recurring upon the passage of the Resolutions, the ayes and nays were demanded by Messrs. McFarland, Crenshaw and May, and they were passed by the following vote :

AYES.

Messrs. Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, Hall, Hook, Hudspeth, Keene, Kendall, Lyons, May, McFarland, McGarry, Sawyer, Smith, Tuttle, Wade and Walkup—20.

NAYS.

Messrs. Bryan, Colby, Hagar, Livermore, Mahoney, Sprague, Stebbins and Whiting—8.

Leave being granted, Mr. Wade introduced a bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Colby submitted the following report :

Mr President :

The Select Committee, to whom was referred Senate Bill, No. 148, in regard to Delinquent Taxes of '52, report the same back without amendment, and recommend its passage.

G. W. COLBY,
A. P. CATLIN.

Leave being granted, Mr. Crabb introduced a bill for An Act to provide for Funding the Debt of Contra Costa County, for the Payment of the Interest thereon, and for the Gradual Liquidation of the Debt.

Read a first and second time, and referred to the delegations from San Joaquin and Santa Clara.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest :
John Y. Lind, Secretary.

IN SENATE.

FRIDAY, April 21, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Keene presented a petition of citizens of El Dorado county, in reference to the erection of a new county out of portions of El Dorado and Calaveras counties.

Read, and referred to the Committee on Counties and County Boundaries.

Mr. Lyons presented a petition of James White for relief.

Referred to the Committee on Claims.

Mr. Grewell presented a remonstrance of the Common Council of the town of Oakland against the passage of a bill granting ferry privileges to Garret W. Ryckman.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Assembly Bill, No. 171, for An Act to amend an Act entitled an Act to fix the times for holding Terms of the District Court throughout this State, passed May 18, 1853, with a substitute, the passage of which was recommended.

Mr. Lent presented the following report:

Mr. President:

The Committee, to whom was referred Senate Bill No. 137, entitled An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, report it back with the accompanying amendments.

E. J. MOORE,
J. G. STEBBINS,
Of Committee on Commerce and Navigation.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Senate Bill, No. 130, for An Act prescribing the Manner of Commencing and Maintaining Suits against Counties, recommending its passage, with certain amendments; and,

Senate Bill, No. 161, for An Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 13, 1850, recommending its passage.

Senate Bill, No. 161, was then considered.

Mr. Tuttle moved to amend by striking out, in ninth line of section one, the word "sixteen," and inserting "ten."

Mr. Catlin moved to amend the amendment by inserting "twelve."

Mr. Stebbins called for a division of the question on striking out, and it was decided in the negative.

The bill was read a third time, and the question being, "Shall the bill pass?"

The ayes and nays were demanded by Messrs. Tuttle, Coffroth and Crabb, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crabb, Hagar, Hudspeth, Keene, Kurtz, Lent, Livermore, Moore, McFarland, Peck, Smith, Sprague, Stebbins, Wade and Whiting—18.

NAYS.

Messrs. Catlin, Crenshaw, Grewell, Lyons, Sawyer and Tuttle—6.

Mr. Tuttle moved to re-consider the vote by which Senate Bill No. 154, substitute for Assembly Bill, No. 98, was ordered to be engrossed on yesterday.

Upon which, the ayes and nays were demanded by Messrs. Wade, Crabb and Grewell, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Colby, Crenshaw, Hagar, Hall, Hook, Hudspeth, Keene, Kurtz, Lent, Livermore, Peck, Smith, Sprague, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Crabb, Grewell, McFarland, Sawyer and Walkup—5.

Mr. Tuttle moved to re-consider the vote by which the words "of one-half" were stricken out of the third section.

The ayes and nays were demanded by Messrs. Smith, Crabb and Wade, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hagar, Hall, Hook, Keene, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Peck, Smith, Sprague, Tuttle and Whiting—19.

NAYS.

Messrs. Crabb, Grewell, McFarland, Sawyer and Wade—5.

Mr. Lyons withdrew his motion to strike out the words "of one-half."

Mr. Crabb moved to strike out the words "of one-half."

The ayes and nays were demanded by Messrs. Crabb, Sawyer and Catlin, and it was decided in the negative by the following vote:

AYES.

Messrs. Crabb, Grewell, McFarland, Sawyer, Wade and Walkup—6.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hagar, Hall, Hook, Hudspeth, Keene, Lent, Livermore, Lyons, Moore, Peck, Smith, Sprague, Stebbins, Tuttle and Whiting—19.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Smith, Lent and Hagar, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hagar, Hall, Hudspeth, Keene, Lent, Livermore, Lyons, Mahoney, McFarland, Peck, Sprague, Stebbins, Tuttle, Wade and Whiting—19.

NAYS.

Messrs. Grewell and Walkup—2.

Mr. Colby submitted the following report:

Mr. President:

The Committee on Roads and Highways have had under consideration Senate Bill, No. 111, granting certain privileges to C. N. Thornburg and Charles McDermit, and report the same back to the Senate, and ask to be discharged from further consideration of the subject.

G. W. COLBY,
S. B. SMITH,
J. G. STEBBINS.

The report was accepted, and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to authorize Larkin Richardson to build a wharf in Solano county.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill for An Act to authorize Larkin Richardson to build a wharf in Solano county.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bills,

An Act providing that the Court of Sessions of Yuba county shall be empowered to levy and cause to be collected a Special Tax, for the purpose of erecting Public Buildings, and the improvement of Public Grounds in said county, and for the disposal of Public Property for the same purpose; also,

An Act entitled an Act for the settlement of the Accounts of Eugene Casserly as State Printer.

They also passed the following Assembly Bills,

An Act to fund that portion of the Debt of Trinity county accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof; also,

An Act to provide an Office for the County Surveyor of San Joaquin county; and also,

An Act to give Jurisdiction to the District Court, County Courts and Justices' Courts, in Plumas county, in certain cases.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 224, for An Act to fund that portion of the Debt of Trinity county accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 244, for An Act to give Jurisdiction to the District Court, County Courts and Justices' Courts, in Plumas county, in certain cases.

Read a first and second time, and referred to Judiciary Committee.

Assembly Bill for An Act to provide an Office for the County Surveyor of San Joaquin county.

Read a first, second and third time, and passed.

On motion of Mr. Moore, Senate Bill No. 141, for An Act to prevent the Disposal of the Reversionary Interest of the State in certain Property in the City of San Francisco, was taken from the table.

On motion of Mr. Hagar, the bill was recommitted to the Judiciary Committee.

Leave being granted, Mr. Catlin introduced a bill for An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. McFarland, the Revenue Bill was taken from the table.

On motion of Mr. Crabb, the bill was laid, temporarily, on the table.

Mr. Peck moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent without leave:

Messrs. Bryan, Coffroth, Colby, Gardner, Grewell, De La Guerra, Kendall, Kurtz, Lent, Mahoney, May, Moore, Smith, Tuttle and Whiting.

Messrs. Grewell, Lent and Kurtz appeared at the bar, and were admitted.

On motion of Mr. Crabb, further proceedings under the call were dispensed with.

Mr. Crabb moved to take from the table Assembly Bill for An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Agreed to.

The bill was then read a third time, and passed.

Mr. McGarry submitted the following report:

Mr. President:

The undersigned, to whom was referred Assembly Bill for An Act to fund the Debt of the County of Solano, and to provide for the Payment thereof, reports the same back without amendment, and recommends its passage.

E. McGARRY.

The report was accepted, and laid upon the table.

Mr. Hook presented a petition from citizens of El Dorado county, relative to an Emigrant Road.

Read, and referred to the Committee on Corporations.

On motion of Mr. Colby, Senate Bill, No. 148, for An Act giving power to the Court of Sessions of Sacramento county to cancel certain Delinquent Taxes, assessed for the year, 1852, was considered engrossed, and read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Wade, Tuttle, and Colby, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Gardner, Kendall, Lent, McGarry, Sawyer, Smith, Stebbins, Tuttle, Wade and Whiting—13.

NAYS.

Messrs. Crenshaw, Hook, Hudspeth, Lyons and Sprague—5.

The consideration of the Revenue Bill was then resumed.

The 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, and 36th amendments of the Committee of the Whole were concurred in.

Mr. Tuttle moved to amend the 91st section, 30th line of printed bill, by inserting after the word "sale" the words "and of the regularity of all proceedings prior to the execution of said deed."

The ayes and nays were demanded by Messrs. Crenshaw, Grewell and Sprague, and it was lost by the following vote:

AYES.

Messrs. Bryan, Colby, Lyons, Mahoney, Moore, McFarland, Sawyer and Tuttle—8.

NAYS.

Messrs. Crenshaw, De La Guerra, Hagar, Hall, Hook, Lent, Livermore, McGarry, Peck, Sprague and Walkup—11.

The 37th, 38th, 39th, 40th and 41st amendments of the Committee were concurred in.

The 42d amendment which was, to strike out the words "the Assessor," in the first line of section 106, was non-concurred in.

The 43d amendment was concurred in.

The 44th amendment, which was to strike out in the 107th section the word "county," and insert "district," was non-concurred in.

The 45th amendment, which was to strike out the word "less" and insert "more," in section one hundred and twelve, was non-concurred in.

The 46th amendment which was to strike out in the 112th section the following words: "in the counties of Tulare, Mariposa, Tuolumne, Calaveras, El Dorado, Placer, Nevada, Yuba, Butte, Sierra, Shasta, Siskiyou, Trinity and Klamath. In the other counties of this State, the compensation of such Assessors shall not be less than eight dollars per diem, nor more than sixteen dollars per diem, whilst actually engaged in his official duties."

The ayes and nays were demanded by Messrs. Smith, Tuttle and Sprague, and it was non-concurred in by the following vote;

AYES.

Messrs. Coffroth, De La Guerra, Livermore and Tuttle—4.

NAYS.

Messrs. Bryan, Catlin, Crenshaw, Hagar, Hook, Hudspeth, Lyons, McFarland, McGarry, Peck, Sawyer, Sprague, Stebbins and Walkup—14.

The other amendments of the Committee of the Whole were concurred in.

Mr. Bryan reported that he had drawn the short term, and Mr. Stebbins had drawn the long term, as Senator from the Fifteenth Senatorial District.

On motion of Mr. Smith, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

SATURDAY, April 22, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Keene submitted the following report:

Mr. President:

The Committee on Public Lands, to which was referred a bill for An Act supplemental to an Act, approved May 3, 1852, entitled an Act to provide for the disposal of the 500,000 acres of Land granted to this State, by Act of Congress of September 4th, 1841, report it back, with an amendment as therein shown, and recommend its passage.

B. F. KEENE,
Chairman.

The report was accepted and laid upon the table.

Mr. Sawyer submitted the following report:

Mr. President:

Your Committee to whom was referred Senate Bill, No. 149, relative to the division of Calaveras County, have duly considered the same, and recommend its passage.

E. W. SAWYER,
CHAS. A. LEAKE.

The bill was then read a third time and passed.
On motion of Mr. Sawyer, the title was amended by adding the words "and Organizing the County of Washington."

The following Special Message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 21, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of a communication received on the 18th inst., from John A. Dreibelbis, Esq., a respectable citizen of Shasta

County, in relation to Indian depredations and murders on Pitt River, in the above named county, and asking compensation for services rendered and expenses incurred by himself and others. It will be seen that the citizens of Pittsburgh and vicinity, before proceeding to chastise the Indians, held a public meeting and passed resolutions, calling on Col. Wright, the officer in command of the United States troops at Fort Reading, for protection; and in reply to which, Col. Wright expressed a perfect willingness to extend the required aid, but informed them that it was not in his power to do so, for the reason, that he had but about fifteen effective men—a force scarcely adequate to the protection of the property and stores of the General Government at the fort. In the absence of sufficient protection from the General Government, the citizens themselves organized in self-defense, and in so doing, rendered service for which they should be compensated, and incurred expenses which should certainly be paid.

Having frequently during the years 1852 and '53, had occasion to call the attention of the Legislature to the entire inadequacy of the force of the General Government in California for the protection of our citizens, and to the almost defenseless condition of the frontier counties, I deem it unnecessary in this communication, further to advert to this subject; and, in conclusion, would merely remark, that until more effective aid shall be extended to California by the General Government, our citizens must be harrassed by the depredations of hostile Indians, and the State necessarily incur expenses and remunerate services rendered by our own people in the defense of their lives and property. I would, however, state, that I have received assurances, verbally, from the distinguished officer now in command of the U. S. Army on the Pacific Coast, that he hopes to be able, in a short time, to extend the proper aid and protection to our citizens against the recurrence of Indian depredations in the frontier counties.

JOHN BIGLER.

The following message was also received from the Governor:

Executive Department,
Sacramento City, April 21, 1854.

To the Senate of California:

I have the honor to acknowledge the receipt of a copy of a resolution which passed the Senate on the 20th inst., requesting the "Governor to transmit to the Senate any information he may have in relation to the payment of the Civil Fund and War Debt by the General Government;" and, in reply, would inform the Senate, that I have received no official information, whatever, in regard to the subject matter alluded to in the resolution.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, Senate Bill for An Act to provide for the payment of the Compensation due certain Members and Attachés of the Legislature of this State; also,

On the 18th inst., Assembly Bill, No. 181, An Act concerning the Organization of the Militia; also,

On the 21st, An Act amendatory of an Act to provide for the permanent Location of the Seats of Justice of the several Counties of this State; and,

An Act to provide for the payment of Certain Expenses.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 181, for An Act concerning the Organization of the Militia.

Read a first and second time, and referred to Committee on Military Affairs.

The following Special Message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 22, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of an important communication received this morning from Hon. Paul K. Hubbs, Superintendent of Public Instruction.

JOHN BIGLER.

Read and referred to the Committee on Finance.

Assembly Bill, No. 234, for An Act amendatory of an Act to provide for the permanent Location of the Seats of Justice of the several Counties of this State, passed April 11, 1850.

Read a first and second time, and referred to the Committee on Counties and County Boundaries.

Assembly Bill for An Act to provide for the payment of Certain Expenses.

Read a first and second time, and referred to the Committee on Claims.

Mr. Hook submitted the following:

Resolved, That the Secretary of State be requested to furnish for the use of the Senate, two maps of this State.

Adopted.

Assembly Bill, No. 257, for An Act to provide for the survey of a portion of the northern boundary of this State, was taken from the table, and,

On motion of Mr. May, read a third time and passed.

Mr. Walkup, Chairman of the Committee on Claims, submitted the following report:

Mr. President:

The Committee on Claims, to which was referred Senate Bill An Act for the relief of D. D. Colton for services rendered, and expenses incurred, as agent

appointed by the Governor of California, has examined the same, and beg leave to report:

Mr. Colton was duly appointed by the Governor, as the agent of this State to proceed to the State of Missouri and bring back to justice, Silas N. Holmes, a fugitive, charged by the Grand Jury of Siskiyou County, with the crime of grand larceny. The proceedings, as shown by the papers in possession of your Committee, were all regular; and Mr. Colton is lawfully entitled to his pay for the services mentioned.

Your Committee have made some reductions in the bill as originally presented, and have agreed to allow the sum set forth in the substitute, herewith presented.

Your Committee, therefore, recommend the adoption and passage of the substitute, in lieu of the original bill.

JOS. WALKUP,
Chairman.

The substitute, a bill for An Act appropriating money to pay D. D. Colton, for services rendered the State, was adopted.

Mr. Hagar moved to lay the substitute on the table.

Upon which the ayes and nays were demanded by Messrs. Kurtz, May and Hagar, and it was decided in the negative, by the following vote:

AYES.

Messrs. Crenshaw, Hagar, Hudspeth, Keene, Kurtz, McGarry and Sawyer —7.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Grewell, Hook, Livermore, Lyons, May, McFarland, Sprague, Tuttle, Wade and Walkup—15.

The substitute was then read a third time.

Upon its passage, the ayes and nays were demanded by Messrs. Grewell, Kurtz and Hagar, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Grewell, Keene, Kendall, Lent, Livermore, Lyons, Mahoney, May, Sprague, Wade, Walkup and Whiting—16.

NAYS.

Messrs. Crenshaw, De La Guerra, Hagar, Hall, Hook, Hudspeth, Kurtz, McFarland, McGarry, Peck, Sawyer and Tuttle—12.

On motion of Mr. Grewell, Assembly Bill, No. 233, for An Act to adjust the amount of indebtedness of the County of Alameda to the County of Santa Clara, and to provide for the payment of the same, was taken from the table.

The amendments of the Committee were concurred in by the Senate, and the bill was read a third time and passed.

Mr. Moore submitted the following report:

Mr. President:

The minority of the Committee, to whom was referred Assembly Bill, No. 139, entitled An Act to create the Office of State Printer, and define the Duties and Compensation thereof, and to provide for the time and manner of Election, report the same back, and recommend concurrence therewith, and ask to be discharged from the further consideration of sundry Senate bills upon the same subject.

E. J. MOORE,
Chairman of Printing Committee.

Leave of absence for one day, was granted to Messrs. Crabb, Smith and Stebbins.

Mr. Crenshaw moved a call of the Senate.

Lost.

Mr. Catlin gave notice, that he would, on Monday, move a re-consideration of the vote by which Senate Bill for An Act appropriating money to pay D. D. Colton, for services renderd to the State, was passed.

On motion of Mr. Moore, Assembly Bill for An Act to create the Office of State Printer and define the Duties and Compensation thereof, and to provide for the time and manner of Election, was taken from the table.

Mr. Walkup moved to make the bill the special order of the day for Monday next, at one o'clock.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Walkup and Kendall, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Hook, Hudspeth, Kendall, Kurtz, May, McFarland, McGarry, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Keene, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—15.

Mr. Walkup moved that the Senate take a recess for one hour.

Lost.

Mr. Catlin moved to consider the bill as in Committee of the Whole.

Upon which the ayes and nays were demanded by Messrs. Catlin, Wade and Kendall, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kendall, May, McFarland, McGarry, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—14.

Mr. Wade moved to amend the second section by striking out in the ninth line "1855," and inserting "1854."

Upon which the ayes and nays were demanded by Messrs. Catlin, McGarry and Colby, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kendall, Leake, May, McFarland, McGarry, Sawyer, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Kurtz, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—14.

The Senate being equally divided, the President voted in the negative.

Mr. Catlin moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Sawyer, Catlin and Gardner, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Sawyer, Wade and Walkup—16.

NAYS.

Messrs. Bryan, Coffroth, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, Sprague, Tuttle and Whiting—14.

So the Senate adjourned.

SAM. PURDY.
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

MONDAY, April 24, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of Saturday was read and approved.

Mr. Kendall submitted the following report :

Mr. President :

The Tuolumne Delegation, to whom was referred a bill for An Act amendatory of an Act to create the County of Stanislaus, approved April 1, 1854, having had the same under consideration, ask leave to submit the following report:

The Delegation being impressed with the importance of having well defined lines between counties to avoid conflict between the same, as to jurisdiction in the trial of causes, and in assessing and collecting public revenue, and such other matters as pertain to the rights of the counties, ask leave to submit the accompanying amendments, and recommend its passage.

THOS. KENDALL,
JAMES W. COFFROTH.

The amendments of the Committee were adopted, and the bill was read a third time and passed.

Mr. Whiting submitted the following:

Mr. President :

The Select Committee, to whom was referred Senate Bill, No. 38, entitled An Act to provide for the Selection of Lands donated by the United States to the State of California, for the Support of Common Schools and for the Erection of Public Buildings, together with the amendments reported by the Committee on Public Lands, have had the same under consideration, and report it back to the Senate, and recommend that the bill pass with the accompanying amendments.

B. C. WHITING,
WM. H. LYONS,
Select Committee.

The report was accepted, and the bill made the special order of the day for to-morrow.

Mr. Keene submitted the following:

Resolved, That the Secretary respectfully request the Assembly to return to the Senate a bill for An Act to amend an Act to to establish an Asylum for the Insane of the State of California.

Adopted.

Mr. Colby submitted the following:

Resolved, That the Chairman of the Committee on Public Lands be instructed to report, to-morrow, on Assembly Bill for An Act for the Protection of the Improvements of Settlers upon Public and Unoccupied Lands.

The resolution was adopted.

Mr. Kurtz submitted the following:

Resolved, That the Sergeant-at-Arms of the Senate shall issue his certificates for Mileage, from Benicia to Sacramento, to all such members as are entitled according to law.

Mr. Lyons moved to amend by making the resolution applicable to all of the Senators, by striking out the word "such" and the words "as are entitled."

Mr. Sawyer moved to lay the resolution on the table.

Lost.

The ayes and nays were then demanded on the amendment by Messrs. Wade, Lent and Keene, which resulted as follows:

AYES.

Messrs. Bryan, Coffroth, Crenshaw, Gardner, Grewell, Hall, Kendall, Lyons, Mahoney, McGarry, Tuttle, Wade and Walkup—13.

NAYS.

Messrs. Catlin, Colby, Hook, Hudspeth, Keene, Kurtz, Lent, Livermore, McFarland, Sawyer, Sprague and Whiting—12.

Mr. Sawyer moved to further amend by, "Provided, this resolution shall be construed so as to allow members Mileage, only, from Sacramento to Benicia."

Mr. Crenshaw, from the Committee on Enrolled Bills, submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled the following Acts, viz:

An Act for the Settlement of the Accounts of Eugene Casserly as State Printer;

An Act providing that the Court of Sessions of Yuba County shall be empowered to levy, and cause to be collected, a Special Tax for the purpose of Erecting Public Buildings, and the Improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose; also,

Assembly Bills, An Act to Fund the Debt of the County of Solano and to provide for the payment thereof; and,

An Act to provide an Office for the County Surveyor of San Joaquin County, and find the same correctly enrolled.

JOHN T. CRENSHAW,
Of the Committee.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, submitted the following:

Mr. President:

The Committee on Engrossed Bills have examined Senate Bill, No. 161, substitute for Assembly Bill, No. 155, for An Act for the relief of D. D. Colton for services rendered, and expenses incurred, as agent, appointed by the Governor of California, and find the same ready to go out of possession of the Senate.

CHARLES A. TUTTLE,
Chairman.

Mr. Whiting submitted the following, as a substitute for the resolution and amendments upon the subject of mileage from Benicia to Sacramento:

Resolved, That the Sergeant-at-Arms be instructed to issue certificates to Senators for Mileage on the removal from Benicia, as follows:—

To those residing South of Benicia 240 miles, and to those residing North 120 miles, to wit:—Messrs. Grewell, De La Guerra, Hagar, Hudspeth, Kurtz, Lent, Mahoney, Moore, McFarland, McGarry and Whiting, 240 miles; and Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Leake, Livermore, Lyons, May, Peck, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade and Walkup, 120 miles; and to Lieutenant-Governor Purdy, 120 miles.

Mr. Coffroth moved to indefinitely postpone the subject.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Tuttle and Kurtz, and it was decided in the negative by the following vote:

AYES.

Messrs. Coffroth, Hook, Keene, Kurtz, Sawyer, Sprague, Tuttle and Walkup—8.

NAYS.

Messrs, Bryan, Colby, Crenshaw, Gardner, Grewell, Hudspeth, Kendall, Lyons, May, McGarry, Wade and Whiting—12.

A vote was then had upon the substitute, and it was adopted; and the ayes and nays being demanded on its passage by Messrs. Coffroth, May and Sprague, it was passed by the following vote:

AYES.

Messrs. Bryan, Colby, Crenshaw, Grewell, Hudspeth, Kurtz, Lyons, May, McFarland, McGarry and Whiting—11.

NAYS.

Messrs. Coffroth, Hall, Hook, Keene, Livermore, Sawyer, Sprague, Tuttle, Wade and Walkup—10.

The following message was received from His Excellency, the Governor:

Executive Department,
Sacramento City, April 22, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit, and commend to your favorable consideration, a copy of Joint Resolutions adopted by the Legislature of the Commonwealth of Pennsylvania, "relative to Old Soldiers."

And, also, Joint Resolutions passed by the Legislature of the State of Massachusetts, in relation to "Cheap Ocean Postage."

JOHN BIGLER.

The Message and Joint Resolutions were read, and on motion of Mr. Sprague, referred to the Committee on Federal Relations.

Leave being granted, Mr. Whiting introduced a bill for An Act to provide for the Incorporation of Canal Companies for Navigation, and not for Mining purposes

Read a first and second time, and,

On motion of Mr. Wade, referred to the Committee on Corporations.

Assembly Bill, No. 170, for An Act to provide for the Organization of the Court of Sessions in and for the County of Yolo, was taken up, and,

On motion of Mr. McGarry, referred to the Judiciary Committee.

On motion of Mr. Keene, Assembly Bill for An Act to Legalize certain Affidavits made before the County Recorders of this State, was taken up.

Mr. Sprague moved to amend, by striking out in section first, the words "the oath was administered by," and inserting "said statement made in the form of an affidavit before."

Agreed to.

Mr. Sprague moved to further amend, by inserting after the word "all," in the first line of section first, the words "statements in the form of an."

Mr. Keene moved to amend the amendment, by inserting after the word "statements," the words "heretofore made."

Agreed to, and the amendment adopted.

The bill was then read a third time and passed; and,

On motion of Mr. Sprague, the title amended, by inserting after the word "certain," in first line thereof, the words "statements in the form of."

Mr. Coffroth submitted the following resolution:

Resolved, That the Secretary of State be requested to furnish the Surveyor-General, for the use of his office, a copy of the Official Map of the State of California.

Mr. Walkup moved a call of the Senate.

Agreed to; and the following Senators found absent without leave: Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Mahoney, May, Moore, McFarland, McGarry, Peck, Tuttle and Whiting.

Mr. McGarry appeared at the bar and was admitted.

Mr. McGarry moved to adjourn.

Upon which the ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Coffroth, May, McGarry, Sawyer and Sprague—5.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Wade and Walkup—12.

Mr. Crenshaw moved that the Sergeant-at-Arms be again sent after absent Senators.

Agreed to.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, April 25, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Keene submitted the following report:

Mr. President:

The Committee on Public Lands, to whom was referred Assembly Bill for An Act for the Protection of Settlers, have had the same under consideration, without being able to make an agreed report, and return it to the Senate without amendment or recommendation.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined, and find correctly engrossed, the following:

Senate Bill, No. 148, for An Act giving power to the Court of Sessions of Sacramento County to cancel certain Delinquent Taxes, assessed for the year 1852; also,

Assembly Bill, No. 233, for An Act to adjust the Amount of Indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same; and,

Senate Bill, No. 161, for An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850.

CHARLES A. TUTTLE,
Chairman.

Mr. Crenshaw submitted the following report:

Mr. President:

The Committee on Corporations, to whom was referred Senate Bill, No. 122, for An Act to provide for the Construction of a Canal from Sacramento river, at the town of Sutter, to the mouth of the Slough, have considered the same, and report it back, and recommend its passage, with the accompanying amendments.

Mr. Sawyer submitted the following:

Mr. President:

The Committee on Engrossment, to whom was referred Senate Bill, No. 149, report that they have examined the same, and find it correctly engrossed.

Mr. Walkup, Chairman of the Committee on Claims, reported back Assembly Bill, No. 215, for An Act to provide for the Payment of certain Expenses, without amendment, recommending its passage.

On motion of Mr. Lent, the bill was read a third time, and passed.

Mr. Crenshaw submitted the following:

Mr. President:

The Committee on Corporations, to whom was referred the Petition of Citizens of Oakland concerning their Charter, report it back, and ask to be discharged from the further consideration thereof; also,

The Petition of Citizens of El Dorado County, praying the passage of a law to enable Jacob Drit and others, to build a Road across the Sierra Nevada mountains, and request that it be referred to the Committee on Roads and Highways.

JNO. T. CRENSHAW,
Chairman.

Mr. Coffroth submitted the following:

Mr. President:

The undersigned, a member of the Committee on Public Lands, respectfully recommends the passage of Assembly Bill, No. 85, entitled An Act for the Protection of Settlers.

J. W. COFFROTH,
Of Committee.

Mr. Moore presented the following communication, which, on motion of Mr. Walkup, was ordered to be entered on the Journal, and referred to the Committee on Public Printing:

SAN FRANCISCO, April 21, 1854.

Sir:

I will contract to execute the printing required by the State, agreeably to the Bill of Mr. Tallmadge, of the Assembly, at a reduction of twenty-eight per cent. from the prices proposed in said bill; or I will contract to perform the work at one-half of the prices which have been paid by the State of California under the contract with Messrs. Geiger, Fitch & Co., and also of the late George Kerr, Esq.

I will give the most ample and satisfactory guaranty to the State for the prompt and satisfactory execution of the contract in every particular. Having been sub-contractor of the State printing under both Messrs. Geiger, Fitch & Co. and Mr. Kerr, I am perfectly conversant with every matter connected with

the business. I am prepared to give bonds, and enter upon the duties of the office, within twenty-four hours' notice of acceptance of my proposition.

Very respectfully,

JOHN C. HASWELL.

Hon. Samuel Purdy,

President Senate, State of California.

Mr. Bryan submitted the following:

Resolved, That the Sergeant-at-Arms be authorized and directed to audit and allow the Mileage accounts of the Committee on Hospitals appointed by the Senate.

The resolution was adopted.

Leave being granted, Mr. Tuttle introduced a bill for An Act to amend an Act entitled an Act regulating Marriages, passed April 22, 1850.

Read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Keene, by unanimous leave of the Senate, the vote by which Assembly Bill, No. 218, for An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 27, 1853, was passed, was re-considered.

The vote by which it was ordered to a third reading, was also re-considered.

On motion of Mr. Keene, the following proviso was added to the first section:

Provided, That nothing herein contained shall prevent the Trustees from paying the present outstanding indebtedness of the Asylum, and the Comptroller shall draw his warrant for the amount when duly audited according to law.

The proviso was adopted, and the bill was read a third time, and passed.

Mr. Coffroth submitted the following, which was adopted:

Resolved, By the Senate, the Assembly concurring, That Peter O. Bertine, Esq., Treasurer of the County of Tuolumne, have leave of absence from this State, for the period of four months, within the year 1854.

A communication was received from the Comptroller and Treasurer of State, with an accompanying statement of the amount expended from the commencement of the present fiscal year, up to the 1st of February, 1854, for which no appropriation has been made.

Referred to the Committee on Finance.

Mr. Sprague submitted the following resolution, which was adopted:

Resolved, That the Secretary of the Senate be, and he is hereby requested, to make up and cause to be printed, one hundred and forty copies of the Unfinished Business of the Senate, as promptly as practicable, for the use of the Senate.

A communication from S. Asbury Sheppard, Administrator of the estate of George Kerr, deceased, to the Secretary of the Senate, in reference to printing.

Read, and referred to the Committee on the Judiciary.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, a Concurrent Resolution, appointing a Joint Committee of three from each House, in relation to accounts of State Printers.

Also, a Concurrent Resolution, appointing the Committees upon Public Lands of both Houses a Joint Committee, to whom all bills upon the subject of public lands shall be referred; to which the concurrence of the Senate is respectfully asked.

Respectfully,

B. McALPIN, Clerk.

The above resolutions were read and concurred in.

Mr. Colby in the chair.

On the resolution in relation to the account of State Printers, Messrs. Coffroth, McGarry and Lent, were appointed a committee on the part of the Senate.

Leave being granted, Mr. Whiting introduced a bill for An Act to encourage the construction of a Railroad and Telegraph Line, from the Bay of San Francisco to the eastern line of this State, with branches thereto.

Read a first and second time, and referred to the Committee on Corporations.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following:

An Act to provide for the payment of the Compensation due certain Members and Attachés of the Legislature of this State; also,

An Act allowing the Court of Sessions of Yuba County to levy a Special Tax for the Support of the Indigent Sick of said County; also,

An Act to amend the Seventh Section of an Act entitled an Act to incorporate the City of San Jose, passed March 27, 1850; and,

An Act to provide for the Survey of a portion of the Northern Boundary of this State.

SAM. B. SMITH,
Chairman of Senate Committee.

Mr. Smith also submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills have this day presented to His Excellency, the Governor, for his approval, the following Acts, viz:

An Act for the settlement of the Accounts of Eugene Casserly, as State Printer.

An Act providing that the Court of Sessions of Yuba County shall be empowered to levy, and cause to be collected, a Special Tax, for the purpose of erecting Public Buildings, and the improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose.

An Act to fund the Debt of the County of Solano, and to provide for the Payment thereof; and,

An Act to provide an Office for the County Surveyor of San Joaquin County.

SAM. B. SMITH,
Chairman of Senate Committee.

On motion of Mr. Peck, the Senate proceeded to the consideration of the Revenue Bill.

Mr. Peck moved to insert "Plumas" after "Butte," in the 112th section.

Agreed to.

Mr. Sprague moved to amend the 112th section, by inserting after the word "twelve" the words "nor more than sixteen;" and where "sixteen" occurs after, strike out, and insert "twelve."

Adopted.

Mr. Sprague moved to amend, in latter part of same section, by inserting after the words "license tax," the words, "tax upon consigned goods."

Agreed to.

In latter part of same section, Mr. Lent moved to strike out "three per cent." and insert "five per cent."

Mr. Walkup objected to the amendment, as out of order; the amendment, with three per cent., having been adopted by the Senate.

The Chair decided the amendment in order; from which decision, Mr. Tuttle appealed, and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Hagar, Lent and Gardner, and the following vote was had:

AYES.

Messrs. Catlin, Gardner, Hagar, Keene, Lent, Sprague and Wade—7.

NAYS.

Messrs. Bryan, Crenshaw, Grewell, Kurtz, Peck, Sawyer, Tuttle and Walkup—8.

No quorum voted; but a quorum being present, the Chair was not sustained.

Mr. Coffroth moved to amend section 20, by striking out the words "whether" and "or not."

Lost.

Mr. Tuttle moved to amend by striking out all that portion of the Act taxing consigned goods.

The ayes and nays were demanded by Messrs. Tuttle, Lent and Lyons, and it was lost by the following vote:

AYES.

Messrs. Gardner, Moore and Tuttle—3.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Hall, Hook, Lent, Livermore, Lyons, McGarry, Peck, Sawyer, Sprague, Wade, Walkup and Whiting—16.

Mr. Walkup moved that the Senate adjourn.

Lost.

Mr. Coffroth moved to amend by inserting at the close of Article IV., the following as section 15:

"The Treasurer is hereby authorized to appoint a deputy, to collect the licenses required under this Act, and to perform such other duties as the Treasurer may impose. The Treasurer shall be bound for the acts of such deputy, and may require of him bonds for the faithful performance of his duties."

Mr. Sprague moved to amend the amendment by adding thereto the following words:

"And for the purpose of enabling the said Deputy Treasurer to furnish the necessary license to the party entitled to the same, the said Deputy Treasurer is authorized to administer the necessary oath to the party requiring the license as to the amount of sales. And the County Auditor is hereby authorized and required to make out and sign a sufficient number of licenses, corresponding with the various classes and terms provided in this article, and deliver the same to the Treasurer of the county, taking said Treasurer's receipt for the aggregate amount of such licenses, and shall charge the same to said Treasurer as so much cash; and in making settlement with said Treasurer, he shall credit the Treasurer with all licenses returned not disposed of by said Treasurer, and shall also credit said Treasurer with ten per cent. of the amount remaining charged against him, after deducting the credit for licenses undisposed of; and the County Auditor shall be allowed for his compensation and expenses in preparing and signing such licenses, five per cent. upon the amount of money actually received by the Treasurer in exchange of such licenses as found on settlement."

The amendment was accepted.

Mr. Walkup moved to amend the amendment by striking out all that portion relating to the per centage to the Treasurer and Auditor, and add the following:

"*Provided*, That the Treasurer, Deputy Treasurer, and Auditor, shall not be allowed any fee or per centage for the services authorized by this section."

Adopted.

Upon the adoption of the amendment as amended, the ayes and nays were demanded by Messrs. Grewell, Crenshaw and Walkup, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Gardner, De La Guerra, Lyons, Moore, Peck and Whiting—9.

NAYS.

Messrs. Crenshaw, Grewell, Hagar, Hook, Kurtz, Livermore, Sawyer, Sprague, Tuttle, Wade and Walkup—11.

Mr. Sprague moved to amend section 110 by adding thereto, the following:

"The Comptroller of State shall forward to County Auditors, blank forms to be used by said officers in making reports required of them in this Act. It shall be the duty of County Treasurers in all cases when payment of any money is made by them into the State Treasury, to produce to the Comptroller of State a report from the County Auditor, together with a duplicate thereof, stating specifically, the amount due the State from each particular source of revenue; the original to be filed with the Comptroller of State, who shall enter upon the

same, and also upon the duplicate, the cash or warrants, as the case may be, paid the Treasurer of State; and, also, the commissions and mileage allowed the County Treasurer on said payment. The County Treasurer shall file the duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's account. No settlement shall be made with any County Treasurer, or money received from any County Treasurer, except in strict conformity with this section."

The amendment was adopted.

Mr. Walkup moved to amend by adding to the first subdivision of section eight, the following:

"The Auditor shall be entitled to demand and receive fifty cents for each license issued by him under this Act, to be collected from the person receiving such license; and in no case shall any other fee be allowed to Auditors for any service connected with the issuance of licenses."

Mr. Sprague moved to amend the amendment by striking out "fifty cents," and inserting "one dollar."

Upon which the ayes and nays were demanded by Messrs. Grewell, Walkup and Kurtz, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Hall, Hook, Livermore, Lyons, Moore, McGarry, Peck, Smith, Sprague, Wade and Walkup—15.

NAYS.

Messrs. Crenshaw, Grewell, De La Guerra, Hagar, Kurtz, Sawyer, Tuttle and Whiting—8.

Mr. Walkup gave notice that he would, on to-morrow, move to re-consider the vote just taken.

The amendment was adopted.

Mr. Tuttle moved to re-consider the vote by which Mr. Coffroth's amendment to add to Article four an additional section, was lost.

Upon which the ayes and nays were demanded by Messrs Tuttle, Walkup and Kurtz, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Gardner, De La Guerra, Hall, Lent, Lyons, Moore, Peck, Smith, Sprague, Tuttle and Wade—15.

NAYS.

Messrs. Crenshaw, Grewell, Hagar, Hook, Kurtz, Livermore, May, Sawyer, Walkup and Whiting—10.

Mr. Peck moved to re-consider the vote by which Mr. Walkup's amendment

to strike out the compensation to Treasurer, Deputy Treasurer and Auditor, was adopted.

Mr. Walkup moved that the Senate adjourn.

Lost.

Mr. Walkup moved that the Senate take a recess to 7 o'clock.

Lost.

Mr. Walkup moved a call of the Senate.

Lost.

The vote recurring upon the motion to re-consider, the ayes and nays were demanded by Messrs. Peck, Lyons and Walkup, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Gardner, Hall, Lent, Lyons, Moore, Peck, Smith, Sprague, Wade and Whiting—14.

NAYS.

Messrs. Crenshaw, Grewell, Hagar, Hook, Kurtz, Livermore, May, McGarry, Sawyer, Tuttle and Walkup—11.

On motion of Mr. Sprague, the 91st section was amended by inserting in the 21st line of printed bill the words, "or claiming," and in 30th line, by striking out the words, "said sale," and inserting, "the assessment."

On motion of Mr. Hagar, the words, "according to the provisions of this Act," were inserted in 22d line of same section after the word "thereof."

Mr. May moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Lyons and Smith, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Colby, Grewell, Hagar, Hall, Hook, Kurtz, May, Moore, McGarry, Smith, Wade, Walkup and Whiting—13.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crenshaw, Gardner, Lent, Livermore, Lyons, Peck, Sawyer, Sprague and Tuttle—12.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

John Y. Lind, Secretary.

IN SENATE.

WEDNESDAY, April 26, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Assembly Bill, No. 10, for An Act to declare Exempt from Forced Sale under Execution, or other Process, certain Property of the several Counties of this State, with an amendment recommending its passage.

On motion of Mr. Hagar, the amendment of the Committee was concurred in, and the bill was read a third time and passed.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Senate Bill, No. 158, for An Act to authorize Boards of Supervisors or Courts of Sessions of the Counties of this State to levy, and collect, a County Tax for the benefit of Fire Departments organized therein, with a substitute, recommending the adoption of the substitute.

Mr. Keene, Chairman of the Committee on Public Lands, submitted the following report:

Mr. President:

The Committee on Public Lands, to whom was referred the Governor's Special Message, dated Benicia, Jan. 31, 1854, and, also, the Report of Paul K. Hubbs, Superintendent of Public Instruction, submitted with said message, have had the same under consideration, and ask leave to submit the following report:

Your Committee indorse the views set forth in the documents submitted to them. Under the construction of the Secretary of the Interior and An Act of Congress, approved March 3, 1853, School Land Warrants issued in accordance with the Act of the Legislature, approved May 3, 1852, cannot be located, except upon lands surveyed by, or under the direction of the United States Surveyor, whereby many *bona fide* settlers, who have purchased said warrants in good faith, and located the same, have been subjected to serious losses by having their lands "jumped" and entered by pre-emptionists.

The State, by a solemn enactment, induced her citizens to invest money in these warrants, limiting the amount that each purchaser could legally hold, in his own right, to 640 acres, but by the construction and Act of Congress before alluded to, a settler on unsurveyed lands is not protected by his School Warrant, so that the Act of the Legislature has operated as a fraud upon our citizens.

It is understood that the several land bills, now pending before the Legisla-

ture, provide for the selection and sale of all lands to which the State is entitled.

To protect these settlers, who have already purchased and located School Warrants upon unsurveyed public lands, is not within the power of the Legislature, but will require a Special Act of Congress to effect this object. And it is believed, by your Committee, that the Joint Resolutions which have passed the Legislature at this Session, will accomplish the objects contemplated by the message and report from the Superintendent of Public Instruction, and that bills are now pending, which, if passed, will fully carry out their recommendations.

Respectfully submitted.

B. F. KEENE,
Chairman of the Committee on Public Lands.

The report was accepted and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on the 18th of the present month, An Act to Establish and Regulate Common Schools, and to Repeal former Acts concerning the same.

They, also, passed on the 22d inst., An Act to authorize Stephen K. Nurse to Build a Wharf in the County of Solano;

An Act to amend an Act entitled an Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon, passed April 12th, 1852;

An Act to amend an Act concerning the Official Bonds of Officers;

An Act for the Protection of Game; also,

An Act to provide for the Appointment of Deputy County Treasurers.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 173, for An Act to provide for the Appointment of Deputy County Treasurers.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill, No. 230, for An Act for the Protection of Game.

Read a first and second time, and referred to the Committee on Agriculture.

Assembly Bill, No. 195, for An Act to amend an Act concerning the Official Bonds of Officers.

Read a first and second time, and,

On motion of Mr. Keene, referred to the Judiciary Committee.

Assembly Bill, No. 128, for An Act to amend an Act entitled an Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon, passed April 12, 1852.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 136, for An Act to authorize Stephen K. Nurse to Build a Wharf in the County of Solano.

Read a first and second time, and,

On motion of Mr. McGarry, referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 142, for An Act to Establish and Regulate Common Schools, and to Repeal former Acts concerning the same.

Read a first and second time, and referred to the Committee on Education.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back, Senate Bill, No. 131, for An Act to authorize Isaac E. Davis and A. P. Jordan to construct a Wharf at Santa Cruz into the Bay of Monterey, recommending it to the favorable consideration of the Senate.

Mr. Smith submitted the following report:

Mr. President:

The Committee of Conference, of Senate and Assembly, to whom was referred the disagreeing vote of the two Houses, on Senate Bill, No. 55, for An Act entitled an Act relative to Transferring Actions and Proceedings from one Court to another Court, have had the same under consideration, so far as respects the disagreeing vote of the two Houses, beg leave to report the same back, with a substitute for section five, herewith reported, and recommend the substitute be adopted.

Respectfully submitted.

SAM. B. SMITH,
Chairman Senate Committee.

B. F. MYRES,
Chairman Assembly Committee.

The report was accepted.

On motion of Mr. Hagar, the amendment of the Committee of Conference was concurred in.

Mr Hagar submitted the following report:

Mr. President:

The undersigned, of the Committee on the Judiciary, have had under consideration Senate Bill, No. 36, entitled An Act to amend an Act to Regulate Proceedings in Criminal Cases, have amended the same, as will appear by the amendments herewith reported, and recommend it be passed as amended.

JOHN S. HAGAR,
Chairman.
A. P. CATLIN,
S. B. SMITH,

I agree except as to the arrangement of challenges.

C. H. BRYAN.

Mr. Coffroth submitted the following minority report:

Mr. President:

The undersigned, from the Judiciary Committee, report back a bill a bill for An Act to amend an Act to Regulate Proceedings in Criminal Cases, and re-

commend its passage with an amendment, to strike out the section giving the closing argument to the District Attorney.

JAMES W. COFFROTH,
B. C. WHITING,
R. T. SPRAGUE.

Mr. Coffroth moved to take up Senate Bill, No. 36, for An Act to amend an Act to Regulate Proceedings in Criminal Cases.

Agreed to.

On motion of Mr. Hagar, the bill was laid upon the table and made the special order of the day for next Thursday.

Mr. Catlin moved to take from the table Senate Bill, No. 150, for An Act to fix the Place of Residence of certain State Officers.

Agreed to.

Mr. Tuttle moved to make the bill the special order of the day for Friday next.

Lost.

Mr. Tuttle moved to strike out the enacting clause.

Upon which the ayes and nays were demanded by Messrs. Catlin, Grewell and McGarry, and it was decided in the negative by the following vote :

AYES.

Messrs. Bryan, Grewell, Hagar, Livermore, Moore, McGarry and Tuttle—7.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Gardner, Hook, Hudspeth, Keene, Kurtz, Lent, Lyons, May, McFarland, Peck, Smith, Sprague, Wade and Walkup—18.

Mr. Grewell moved to refer the bill to the Judiciary Committee.

Lost.

Mr. McGarry moved to refer the bill to a Select Committee of three.

Upon which the ayes and nays were demanded by Messrs. Grewell, McGarry and Hagar, and it was decided in the negative by the following vote :

AYES.

Messrs. Bryan, Coffroth, Grewell, De La Guerra, Hagar, Hudspeth, Lent, Livermore, Lyons, Moore, McGarry, Stebbins and Tuttle—13.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Kurtz, Leake, May, McFarland, Peck, Sawyer, Smith, Sprague, Wade and Walkup—18.

Mr. Grewell moved to strike out in the seventh line of first section, the word "Sacramento," and insert "San Jose."

The ayes and nays were demanded by Messrs. Grewell, Hagar and May, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Grewell, Hagar, Hudspeth, Lent, McGarry and Stebbins—7.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, Lyons, May, McFarland, Peck, Sawyer, Smith, Sprague, Tuttle, Wade and Walkup—22.

Mr. McGarry moved to strike out "Sacramento," and insert "Benicia."

Mr. Catlin called for a division of the question, and the vote being upon striking out, the ayes and nays were demanded by Messrs. Catlin, Grewell and McGarry, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Grewell, De La Guerra, Hagar, Hudspeth, Lent, Lyons, Moore, McGarry, Smith, Stebbins and Tuttle—13.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, May, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—18.

Mr. Grewell moved to refer to the Committee on Finance.

Mr. McFarland moved to amend by referring to the Committee on Claims.

Accepted; and the motion was lost.

Mr. Tuttle moved to amend by inserting after the word "Sacramento," in first section, the words "from and after the 20th day of January, 1855."

The ayes and nays were demanded by Messrs. Tuttle, Grewell and McGarry, and it was lost by the following vote:

AYES.

Messrs. Grewell, De La Guerra, Hudspeth, McGarry, Stebbins and Tuttle —6.

NAYS.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Gardner, Hagar, Hook, Keene, Kendall, Kurtz, Leake, Livermore, May, Peck, Sawyer, Smith, Sprague, Wade and Walkup—19.

Mr. Grewell moved to strike out "Sacramento," and insert "Santa Clara."

Lost.

Mr. Stebbins moved the previous question.

Seconded.

The question being, "Shall the main question be now put?" it was decided in the affirmative.

The bill was then read a third time.

Mr. McGarry moved to re-commit the bill, with instructions to strike out "Sacramento" and insert "Benicia."

The ayes and nays were demanded by Messrs. McGarry, Grewell and Hagar, and decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Grewell, De La Guerra, Hagar, Lent, McGarry, Smith, Stebbins and Tuttle—10.

NAYS.

Messrs. Catlin, Colby, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, May, McFarland, Peck, Sawyer, Sprague, Wade and Walkup—18.

The question being on the passage of the bill,

The ayes and nays were demanded by Messrs. Tuttle, Grewell and Wade, and the bill was passed by the following vote:

AYES.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Gardner, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, May, McFarland, Peck, Sawyer, Smith, Sprague, Wade and Walkup—20.

NAYS.

Messrs. Bryan, Grewell, De La Guerra, Hagar, Hudspeth, Lyons, Moore, McGarry, Stebbins and Tuttle—10.

Mr. Livermore moved to take from the table Assembly Bill, No. 139, for An Act to create the Office of State Printer, and define the duties and compensation thereof, and to provide for the Time and Manner of Election.

The ayes and nays were demanded by Messrs. Livermore, Grewell and Colby, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, McGarry, Smith, Sprague, Tuttle and Whiting—16.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Peck, Sawyer and Wade—13.

Mr. Walkup moved to re-consider the vote of yesterday, by which "one dollar" was inserted in the place of "fifty cents," in the Revenue Bill, as compensation to County Auditors for the issuance of licenses.

Mr. Smith moved to lay the motion on the table.

Agreed to.

Mr. Kendall moved to re-commit the bill under consideration, with instructions to strike out "1835" and insert "1854," and report the same back next Monday, and make it the special order for that day, at 12 o'clock.

The ayes and nays were demanded by Messrs. Tuttle, Grewell and Sprague, and the following vote was had:

AYES.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle and Whiting—14.

The Senate being equally divided, the President voted in the negative.

Mr. Peck moved to lay the bill on the table.

The ayes and nays were demanded by Messrs. Lyons, Grewell and Peck, and the following vote was had:

AYES.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle and Whiting—14.

The Senate being equally divided, the President voted in the negative.

Mr. Catlin moved to amend the second section, by striking out in the thirteenth line the word "two" and insert "one."

The ayes and nays were demanded by Messrs. Catlin, Kendall and Colby, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McGarry, Peck, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle and Whiting—15.

Mr. Sawyer moved to amend the second section, by inserting at the end of the eighth line, after the word "year," the words "1854, and."

The ayes and nays were demanded by Messrs. Keene, Sawyer and Grewell, and the following vote was had:

AYES.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer and Wade—13.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle, Walkup and Whiting—15.

The name of the President being called, he voted in the negative.

Before the vote was announced from the Chair, Mr. Walkup desired leave to change his vote, which the President decided to be out of order, the casting vote having been given.

From this decision, Mr. Wade appealed, and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The yeas and nays were demanded by Messrs. Wade, Grewell and Peck, and it was decided in the negative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Livermore, Lyons, Moore, Sprague, Tuttle and Whiting—13.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, May, Peck, Sawyer, Smith, Wade and Walkup—15.

Mr. Walkup having leave to change his vote, voted in the negative; which made the vote thirteen ayes and fifteen nays.

Mr. Walkup moved to strike out the first clause of the second section, which reads as follows:

"A State Printer shall be elected at the present session of the Legislature, by joint vote of Senate and Assembly, assembled in Joint Convention, who shall hold his office until his successor is elected and qualified as herein provided."

The ayes and nays were demanded by Messrs. Crenshaw, Sprague and Colby, and it was decided in the negative by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, McGarry, Peck and Wade—12.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Kurtz, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle, Walkup and Whiting—16.

Mr. Walkup gave notice that, on to-morrow, he would move to re-consider the vote just had.

Mr. Wade moved to lay the bill on the table.

Upon which the ayes and nays were demanded by Messrs. Wade, Gardner and Walkup, and the following vote was had:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Peck, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Lent, Livermore, Lyons, May, Moore, Smith, Sprague, Tuttle and Whiting—14.

The Senate being equally divided, the President voted in the negative.

Mr. Tuttle moved to re-consider the vote by which Mr. Walkup's amendment to strike out the first clause of the second section was lost.

Mr. Wade moved to indefinitely postpone the motion to re-consider.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Keene and McGarry, and it was lost by the following vote:

AYES.

Messrs. Coffroth, Colby, Leake, Moore, McGarry, Sawyer, Tuttle, Walkup and Whiting—9.

NAYS.

Messrs. Bryan, Catlin, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Livermore, Lyons, May, Sprague and Wade —17.

Mr. Hook moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Wade, Hook and Kendall, and it was lost by the following vote:

AYES.

Messrs. Catlin, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Leake, Sawyer, Wade and Walkup—11.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Livermore, Lyons, May, Moore, McGarry, Sprague, Tuttle and Whiting—15.

Mr. Walkup moved to lay the motion to re-consider on the table.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Coffroth and Lyons, and the following vote was had:

AYES.

Messrs. Catlin, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, May, Moore, Sprague, Tuttle and Whiting—13.

The Senate being equally divided, the President voted in the negative.

Mr. Walkup moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Wade, Walkup and Gardner, and the following vote was had:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Sawyer, Wade and Walkup—14.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, Sprague, Tuttle and Whiting—14.

The Senate being equally divided, the President voted in the negative.

The vote recurring upon the motion to re-consider, the ayes and nays were demanded by Messrs. Tuttle, Coffroth and Lyons, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, McGarry, Sawyer and Wade—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, May, Moore, Sprague, Tuttle, Walkup and Whiting—15.

Mr. Wade moved to lay the bill upon the table.

Upon which the ayes and nays were demanded by Messrs. Wade, Kendall and McGarry, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Keene, McGarry, Peck, Sawyer, Wade and Walkup—11.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Moore, Smith, Sprague and Tuttle—12.

Mr. Catlin moved to add at the end of section second, the following:

"A successor to the State Printer elected at the present session of the Legislature, shall be elected by joint ballot of the Senate and Assembly, at some

day during the first month of the next annual session of the Legislature, who shall hold his office until his successor is duly elected and qualified according to the provisions of this Act. The day for such election by joint ballot, to be appointed by Concurrent Resolution of both Houses."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Crenshaw, McGarry and Coffroth, and the following vote was had:

AYES.

Messrs. Hook, Keene and McGarry—3.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Smith, Sprague and Tuttle—13.

No quorum voting, but a quorum being present, the President decided the amendment lost.

The second section was then adopted.

Mr. Walkup moved to strike out the first clause of the third section, which reads as follows:

"The election of the State Printer elected at the present session of the Legislature, shall be certified by the President of the Senate and Speaker of the Assembly, immediately after the election."

Upon the adoption of which the ayes and nays were demanded by Messrs. Wade, Walkup and Smith, and the following vote was had:

AYE.

Mr. Keene—1.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Sprague and Tuttle—9.

No quorum voting, but a quorum being present, the President decided the amendment lost.

Mr. Walkup moved to strike out the first clause of the fourth section, which reads as follows:

"The State Printer elected at this session of the Legislature, shall enter upon the duties of his office within five days after his election."

Lost.

Mr. Walkup moved to strike out in section ninth, in the third and fourth lines, the words "nineteen hundred and twenty," and insert "twelve hundred."

Upon which the ayes and nays were demanded by Messrs. Wade, Walkup and Tuttle, and it was lost by the following vote:

AYES.

Messrs. Hook, Keene, Kurtz, Peck, Sawyer, Wade and Walkup—7.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Smith, Sprague and Tuttle—12.

Mr. Walkup moved to amend section nine, by striking out in the eleventh line the words "seven hundred and twenty," and inserting "four hundred and eighty."

Upon which the ayes and nays were demanded by Messrs. McGarry, Peck and Kurtz, and it was lost by the following vote:

AYES.

Messrs. Hook, Keene, Kendall, Kurtz, Peck, Sawyer, Wade and Walkup—8.

NAYS.

Messrs. Bryan, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Moore, Smith, Sprague and Tuttle—11.

Mr. Walkup moved to add to section ten the following:

"Provided that the Laws and Journals of the present session shall be on pages corresponding in size and form to the Laws and Journals as they are now being printed."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Wade, Walkup and Sprague, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Hook, Keene, Kendall, Sawyer, Wade and Walkup—7.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hall, Lent, Livermore, Lyons, Moore, Sprague and Tuttle—11.

Mr. Hook moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Walkup, Kendall and Hook, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Hook, Keene, Kendall, Sawyer, Wade and Walkup—7.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Lent, Livermore, Lyons, Moore, Sprague, Tuttle and Whiting—11.

Mr. Walkup moved to strike out in the eleventh section the following words, commencing on the second line: "or charged on any bill or document, unless the same requires stitching; and no bill or document not exceeding four pages shall be stitched, When stitching is required on bills or documents ordered by either House, one-fourth of one cent per page shall be allowed for such folding and stitching; *provided*, that no folding or stitching shall be allowed on the laws or journals."

Lost.

Mr. Walkup moved to amend section twelve, by striking out "$2 50" and inserting "$2" for composition in English.

Mr. Pecd moved that the Senate adjourn.

Lost.

The vote recurring upon the amendment, the ayes and nays were demanded by Messrs. Walkup, Wade and Crenshaw, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Keene, McGarry, Wade and Walkup—5.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Smith, Sprague, Tuttle and Whiting—14.

Mr. Lyons in the chair.

Mr. Crenshaw moved that the Senate adjourn.

Lost.

Mr. Walkup moved to strike out in section twelve, "$3," and insert "$2 40" for composition in Spanish.

The President ordered the roll to be called, and the following Senators were found absent: Messrs. Catlin, Crabb, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Mahoney, May, McFarland, McGarry, Peck, Sawyer, Wade and Walkup.

No quorum present.

Mr. Coffroth moved a call of the Senate.

Agreed to.

The roll being called, the following Senators were found absent without leave:

Messrs. Catlin, Crabb, Gardner, Grewell, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Mahoney, May, McFarland, McGarry, Peck, Sawyer and Wade.

The Sergeant-at-Arms was dispatched after absentees.

Messrs. May, McGarry and De La Guerra appeared at the bar, and were admitted.

The Sergeant-at-Arms reported that he had seen some Senators, and that they had refused to come to the Senate.

Mr. Smith moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Tuttle moved the previous question.

Mr. Moore moved that the Sergeant-at-Arms be instructed to arrest absent Senators, and bring them to the bar of the Senate.

Agreed to.

Mr. Hagar moved that the Secretary furnish the Sergeant-at-Arms with a copy of the motion to arrest absent Senators and bring them to the bar of the Senate.

Agreed to.

The question being, "shall the bill be read a third time?" it was decided in the affirmative.

Mr. Coffroth in the chair.

The bill was then read a third time.

Mr. Walkup moved to re-commit the bill with the following instructions: to amend section twelve, by striking out all after the word "provided," and inserting, "for composition in English for one thousand ems, $2; for composition in other than English, $2 40; for rule work, per one thousand ems, $2 90; for figure work, per one thousand ems, $2 90; for rule and figure work, per one thousand ems, $3 25; for press-work, per token of two hundred and forty sheets, $2 25. For certificates, circulars, receipts and other blanks, for the several departments of State, per ream, $25. For all proclamations, advertisements, orders and notices, authorized by section six of this act to be published in the State paper, he shall be allowed $1 40 per square of three hundred ems for composition and first insertion, one dollar for each subsequent insertion, not exceeding four, and fifty cents for each number of insertions exceeding four; provided, that no charges shall be allowed for composition for blank pages under the provisions of this Act." And strike out in section nine, "nineteen hundred" and insert "thirteen hundred."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Kurtz, Crenshaw and Walkup, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Hook, Kurtz, McGarry and Walkup—5.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Moore, Sprague, Tuttle and Whiting—13.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Moore, Lent and Kurtz, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Hook, Kurtz, Lent, Livermore, Lyons, Moore, McGarry, Smith, Sprague, Tuttle and Whiting—17.

NAY.

Mr. Walkup—1.

Mr. Hook gave notice that, on to-morrow, he would move for a re-consideration of the vote just taken,

Mr. Moore moved to re-consider the vote upon the passage of the bill at present.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Hook and Walkup.

Pending the taking of the ayes and nays, Mr. Hagar declared the call had not been properly seconded, and

Mr. Smith announced that there was no quorum present, whereupon the Secretary ceased the call.

The Chair then inquired the names of the persons calling the ayes and nays.

No answer being given, the Chair then put the motion *viva voce*, and the vote being given, declared it was lost.

The Senate then adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretery.

IN SENATE.

THURSDAY, April 27, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read.

Mr. Coffroth moved to amend the Journal by striking out the following:
"Pending the call of the ayes and nays, Mr. Smith arose in his place, and declared there was no quorum present.
Mr. Moore moved that the Senate adjourn.
Agreed to.
So the Senate adjourned."
And insert the following:
"Pending the call, Mr. Hagar declared that the ayes and nays had not been called.
The Chair inquired the names of those calling the ayes and nays.
No answer being given, the motion to re-consider was lost.
On motion of Mr. Moore, the Senate adjourned."

Mr. Smith offered the following as a substitute, which was accepted by Mr. Coffroth:
"Pending the taking of the ayes and nays, Mr. Hagar declared that the call had not been properly seconded, and
Mr. Smith announced that there was no quorum present, whereupon the Secretary ceased to call.
The Chair then inquired the names of the persons calling the ayes and nays.
No answer being given, the Chair then put the motion *viva voce*, and the vote being given, declared it lost.
The Senate then adjourned."

Mr. Hagar moved to strike out in the substitute, the words, "and Mr. Smith announced there was no quorum present."
Mr. Coffroth moved the previous question.
Not sustained.
Mr. Catlin moved a call of the Senate.
Agreed to; and the roll being called, the following Senators were found absent without leave: Messrs. Crabb, Leake, Lent, May and Stebbins.
Mr. McFarland moved that further proceedings under the call be dispensed with.
Lost.
Mr. McFarland moved to dispense with further proceedings under the call.
Agreed to.

The vote recurring upon the motion of Mr. Hagar, the ayes and nays were demanded by Messrs. Wade, Walkup and McGarry, and it was lost by the following vote:

AYES.

Messrs. Hagar, Hall and Tuttle—3.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Kendall, Kurtz, Leake, Livermore, Mahoney, May, Moore, McFarland, McGarry, Peck, Sawyer, Smith, Sprague, Wade, Walkup and Whiting—26.

Upon the adoption of the amendment of Mr. Smith, the ayes and nays were demanded by Messrs. Crenshaw, Catlin and Smith, and the following vote was had:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Kendall, Kurtz, Leake, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—15.

The Senate being equally divided, the President voted in the affirmative.

The Journal was further amended, by striking out the name of "Mr. McFarland" as calling for the ayes and nays, and inserting the name of "Mr. Walkup."

The Journal was further amended, by striking out the name of Mr. Stebbins as calling for the ayes and nays, and inserting the name of "Mr. McGarry."

On motion of Mr. Coffroth, the Journal was further amended, by striking out the words, "Mr. Coffroth in the chair," where it occurs, and inserting them before the vote on the passage of the bill.

Upon the approval of the Journal, as amended, the ayes and nays were demanded by Messrs. Smith, Walkup and Kendall, and it was approved by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Mahoney, May, Moore, Smith, Sprague, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hudspeth, Kendall, Kurtz, Leake, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—14.

Leave being granted, Mr. Walkup changed his vote of yesterday, by which an amendment, to insert in the eighth line of section two of a bill for An Act to Create the Office of State Printer, and define the Duties and Compensation thereof, and to provide for the time and manner of Election," after the word "year," the words "1854 and."

Lost.

Mr. Coffroth submitted the following report:

Mr. President:

The Committee of Conference, to whom was referred the disagreeing vote on Senate Bill, No. 416, entitled An Act supplementary to an Act to Exempt Firemen from Militia Service and Jury Duty, report it back, with the agreement, that the Assembly will recede from its amendment.

JAMES W. COFFROTH,
Chairman Senate Committee.
E. D. SAWYER,
E. J. MOORE,
Of Senate.
B. F. MYRES,
J. N. DAWLEY,
Assembly Committee.

Mr. Sprague submitted the following report:

Mr. President:

The Committee on Finance have had under consideration, Senate Bill, No. 147, for An Act to Regulate the Payment by the State Treasurer, and now report the same back with amendments, and recommend its passage.

R. T. SPRAGUE,
Chairman.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined and find correctly engrossed, a bill for An Act amendatory of an Act entitled an Act to create the County of Stanislaus, approved April 1, 1854.

CHARLES A. TUTTLE,
Chairman.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento City, April 24, 1854.

To the Senate of California :

I have, this day, approved the following Act which originated in the Senate, viz: An Act providing that the Court of Sessions of Yuba County shall be empowered to levy, and cause to be collected, a Special Tax for the purpose of Erecting Public Buildings and the Improvement of Public Grounds in said County, and for the disposal of Public Property for the same purpose; also,

An Act for the Settlement of the Accounts of Eugene Casserly as State Printer.

JOHN BIGLER.

The following messages were received from the Assembly :

Mr. President :

I am directed to inform the Senate, that the Assembly passed, on yesterday, Senate Bill, No. 109, An Act to authorize the formation of Limited Partnerships;

Senate Bill, No. 164, Substitute for Assembly Bill, 155, An Act appropriating money to pay D. D. Colton for services rendered the State;

Senate Bill, No. 161, An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850; also,

Assembly Bill, No. 278, An Act to amend an Act entitled an Act to Regulate Rodeos, approved April 30, 1851.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. President :

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly Bill, No. 277, An Act to amend an Act entitled an Act concerning Judges of the Plains, (Jueces del Campo,) and defining their Duties, passed April 25, 1851; also,

An Act to authorize William Roberts and others, to build a Wharf at Bucksport, in Humboldt County; also,

An Act to provide for the Erection of a Jail in the County of Monterey; also,

An Act supplementary to and explanatory of an An Act entitled an Act making appropriations for the Civil Expenses of Government of this State; also,

An Act to Protect the Owners of Wood and Wood-Yards against the Illegal Acts of Steamboat Officers and Masters; also,

An Act to amend an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of Certain Property of the State; also,

An Act to authorize Wm. F. McLean and George Calloway to build a Wharf in the County of San Francisco, beyond the western limits of the City of San Francisco, and near to said line.

Respectfully,

B. McALPIN, Clerk

Mr. Stebbins moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Whiting, Sawyer and Peck, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Livermore, Lyons, Mahoney, May Moore, Smith, Sprague, Stebbins, Tuttle and Whiting —16.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, Hook, Keene, Leake, McFarland, McGarry, Peck, Sawyer, Wade and Walkup—13.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Friday, April 28, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Leave being granted, Mr. Coffroth introduced a bill for An Act amendatory of an Act relating to Corporations.

Read a first, second and third time, and passed.

Mr. De La Guerra reported back Assembly Bill, No. 235, for An Act to provide for the Erection of a Wharf at Santa Barbara.

Leave being granted, Mr. Crenshaw introduced a bill for An Act to authorize the Administrator of the Estate of Richard Lumpkins, deceased, to pay over the Moneys of said Estate to James M. Waller.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Mahoney presented a petition of Smith, Brothers & Co., in relation to warrants destroyed by fire.

Read, and referred to the Committee on Finance.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act appropriating money to pay D. D. Colton for services rendered the State; also,

An Act to legalize certain Affidavits made before the County Recorders of this State.

SAM. B. SMITH,
Chairman of Senate Committee.

Mr. Whiting moved to take up Senate Bill, No. 131, for An Act to authorize Isaac E. Davis and A. P. Jordon, to construct a Wharf at Santa Cruz, in the Bay of Monterey.

On motion of Mr. Crenshaw, the last section was amended by inserting in the fourth line of fourth section, "as shall be approved by the Court of Sessions of Santa Cruz County."

The bill was read a third time, and, upon the passage,

The ayes and nays were demanded by Messrs. Keene, Hook and Grewell, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Crenshaw, Grewell, Hudspeth, Kendall, Kurtz, Lyons, Mahoney, Moore, Smith, Sprague, Stebbins, Tuttle, Wade and Whiting—16.

NAYS.

Messrs. Hook and Sawyer—2.

Mr. Smith presented a petition from the citizens of San Francisco, in relation to the inspection of lumber.

Read, and referred to the Committee on Claims.

Leave being granted, Mr. Coffroth introduced a bill for An Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County.

Read a first and second time, and referred to the Committee on Claims.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back Senate Bill, No. 127, entitled, An Act amendatory of an Act entitled an Act to provide for the Appointment, and prescribe the Duties of Guardians; and,

Senate Bill, No. 156, for An Act fixing the Age of Majority of Males and Females in this State, with a substitute, and recommending its passage; also,

Assembly Bill, No. 224, for An Act to fund that portion of the Debt of Trinity County, accruing previous to the 12th of May, 1853, apportioned to Hum-

boldt County, and providing for the Payment thereof, recommending its passage; and, also,

Assembly Bill, No. 244, for An Act to give Jurisdiction to the District Court, County Courts and Justices' Courts, in Plumas County, in certain cases, recommending its passage.

Mr. Sprague, from the Judiciary Committee, reported back Senate Bill, No. 28, for An Act amendatory of an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of Certain Property of the State of California, passed March 26, 1851, approved May 18, 1853, recommending its passage, with the accompanying amendments; also,

Senate Rill, No. 141, for An Act to prevent the Disposal of the Reversionary Interest of the State in certain Property; also,

Senate Joint Resolution, No. 154, and Senate Resolution, No. 21, over the same subject, and having embodied the substance of each in amendments to Senate Bill, No. 28, recommended their indefinite postponement.

Leave being granted, Mr. Sprague introduced a bill for An Act to authorize William H. Nurmerly to construct a Wagon Road from Shasta City to the Cañon House at the head of the Sacramento Valley in the County of Shasta.

Read a first and second time, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 278, for An Act to amend an Act entitled an Act to regulate Rodeos, approved April 30, 1851.

Read a first and second time, and referred to a Select Committee, consisting of Messrs. De La Guerra, Grewell and McFarland.

Senate Bill, No. 161, for An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850, was taken up, and,

On motion of Mr. Keene, the amendments of the Assembly were concurred in.

Leave being granted, Mr. Tuttle introduced a bill for An Act to create a Contingent Fund to pay the postage of the Members of the Legislature for the year 1854.

Read a first, second and third time, and passed.

Leave being granted, Mr. Catlin introduced a bill for An Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853, so as to make the same applicable to the incorporation of Transportation Companies.

Read a first and second time, and referred to the Committee on Corporations.

Leave being granted, Mr. McFarland introduced a bill for An Act for the relief of Carlos Isarda.

Read a first and second time, and referred to the Committee on Claims.

Leave being granted, Mr. Tuttle introduced a bill for An Act to authorize Justices of the Peace to render Judgment on Suits commenced by Attachments where Personal Service cannot be obtained.

Read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. Hagar introduced a bill for An Act to amend an Act concerning Divorces, passed March 25, 1851.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Coffroth was excused from serving on the Joint Committee to examine the Accounts of Printers, and Mr. Tuttle was substituted in his place.

Assembly Bill, No. 289, for An Act to amend an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled

an Act to provide for the Disposition of certain Property of the State of California, passed March 26, 1851, passed May 18, 1853.

Read a first time, and laid on the table.

Assembly Bill, No. 268, for An Act to protect the Owners of Wood and Wood-Yards against the illegal acts of Steamboat Officers and Masters.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 250, for An Act supplementary to and explanatory of an Act entitled an Act making Appropriations for the Civil Expenses of Government of the State for the Unexpired Portion of the Fiscal Year ending on the 30th day of June, A. D., 1854, and for the First Seven Months of the Fiscal Year commencing on the first day of July, 1854.

Read a first, second and third time, and passed.

Assembly Bill, No. 259, for An Act to provide for the erection of a Jail in Monterey County.

Read a first and second time, and referred to Mr. Whiting.

Assembly Bill, No. 220, for An Act to authorize William Roberts and others to build a Wharf at Bucksport, in Humboldt County.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 277, for An Act to amend an Act concerning Judges of the Plains (Jueces del Campo), and defining their Duties, passed April 25, 1851.

Read a first and second time, and referred to the Committee on Agriculture.

Assembly Bill, No. 271, for An Act to authorize Wm. F. McLean and Geo. Colloway to build a Wharf in the County of San Francisco, beyond the Western Limits of the City of San Francisco, and near to said line.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

The following message was received from the Assembly:

Mr. President :

I am directed to inform the Senate, that the Assembly passed, on yesterday, Senate Bills, No. 143, An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said county; also,

No. 148, An Act giving Power to the Court of Sessions of Sacramento County to cancel certain Delinquent Taxes, assessed for the year 1852.

They also passed Assembly Bills, No. 141, An Act concerning Roads and Highways; and,

No. 140, An Act concerning the Office of Secretary of State; also,

Assembly Bill, No. 152, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 140, for An Act concerning the Office of Secretary of State.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill, No. 141, for An Act concerning Roads and Highways.

Read a first and second time, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 152, for An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Read a first and second time, and,

On motion of Mr. Smith, referred to a Select Committee of three. Messrs. Smith, Hagar and Bryan were appointed the Committee.

Mr. Walkup moved to take up Senate Bill, No. 123, for An Act to amend an Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges.

Agreed to, and one hundred and fifty copies ordered printed.

On motion of Mr. Crenshaw, it was laid upon the table, and made the special order of the day for Tuesday next.

On motion of Mr. Peck, the Revenue Bill was taken from the table.

Mr. Hall in the chair.

Mr. Coffroth's amendment, as section 15, was pending, and Mr. Sprague offered the following as a substitute:

"Section 15. The licenses required by this article shall be collected and issued as follows: The County Auditor shall prepare and sign a sufficient number of licenses for the several terms, classes and kinds of business specified in this article, leaving blank only the dates and name of the party licensed, and shall deliver the same to the Sheriff or Collector of the county, taking his receipt for the aggregate amount of each class and kind of business, and shall charge in his books the amount of such licenses so delivered, against said Sheriff, for which service the Auditor shall receive such compensation, payable out of the County Treasury, as the Court of Sessions or Board of Supervisors for the county may direct. Immediately upon the receipt of such licenses, the Sheriff shall proceed to collect from such persons as are required to obtain licenses by this article, the amount required for the kind and class of business to which such person properly belongs; and upon the receipt of the money, the Sheriff shall fill up the blank date, insert the proper name, and deliver to the party the license to which he is entitled; and for the purpose of enabling the Sheriff to determine the class and kind of business to which persons required to procure license properly belongs, the Sheriff is hereby authorized and empowered to administer the necessary oath to such persons.

Section 16. On the first Monday of each month, the Sheriff shall pay over to the County Treasury all moneys by him collected for licenses, authorized to be by him collected by the preceding sections, taking from the Treasurer duplicate receipts for the amount so paid, one of which he shall immediately deliver to the County Auditor, who shall thereupon credit the same to the Sheriff. And on the first Monday of June, September, December and March, the Sheriff shall make settlement with the County Auditor, and in such settlement, shall make return of all licenses remaining in his hands undisposed of; and the amount so returned shall, by the Auditor, be credited to the Sheriff and upon the production of the receipt of the Treasurer of the County for the amount of money collected for licenses by said Sheriff, as shown by the Auditor's books, the Auditor shall balance the license account of the Sheriff for the preceding quarter, and proceed to deliver to the Sheriff a sufficient number of licenses for the succeeding three months, as provided in the preceding sections.

The Sheriff shall be entitled to demand and receive from every person to whom he issues a license the sum of————————, as a full compensation for his services in collecting and delivering such licenses."

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, An Act to provide for the Payment of certain Expenses.

Upon the adoption of Mr. Sprague's substitute, the ayes and nays were demanded by Messrs. Sawyer, McGarry and Keene, and it was lost by the following vote:

AYES.

Messrs. Bryan, Mahoney, Moore, Sprague, Stebbins, Tuttle and Wade—7.

NAYS.

Messrs. Colby, Crenshaw, De La Guerra, Hagar, Hall, Hook, Keene, Kurtz, McFarland, McGarry, Peck, Sawyer and Walkup—13.

Mr. Tuttle moved a call of the Senate.

Lost.

The vote then recurred upon the adoption of Mr. Coffroth's amendment, as section 15.

Upon the adoption of which, the ayes and nays were demanded by Messrs. Coffroth, Tuttle and McGarry, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hall, Mahoney, Moore, Sprague and Wade —8.

NAYS.

Messrs. Crenshaw, Hagar, Hook, Keene, Kurtz, McFarland, McGarry, Peck, Tuttle and Walkup—10.

Mr. Walkup moved to amend the thirty-eight section by striking out in the two last lines, the words "and to the Auditor three per cent. on amount collected and paid in."

Adopted.

Mr. Walkup moved a call of the Senate.

Lost.

Mr. Sprague moved to amend the fourteenth section by adding at the close, the following:

"And the County Treasurer and Auditor are hereby authorized and empowered to administer any oath which they or either of them may deem necessary to require of parties, in order to determine the amount of business trans-

acted, and class to which such parties properly belong, in accordance with the provisions of this Act."

Adopted.

Mr. De La Guerra moved to amend the 74th section, by adding at the close, the following:

"The words 'cash value,' shall be so construed, as to mean the amount in cash at which the property assessed can be sold in the county at the time of the assessment."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Sprague, Wade and Keene, and it was adopted by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Grewell, De La Guerra, Hall, Mahoney, McFarland, McGarry, Peck, Smith, Sprague and Tuttle—13.

NAYS.

Messrs. Crenshaw, Gardner, Hook, Wade and Walkup—5.

Mr. Walkup moved to amend the first subdivision of section eight, by inserting after the word "dollar," the following:

"One-half of which shall be for the use and benefit of the County Treasurer."

Adopted.

Mr. Smith moved to add at the end of the thirteenth section, the following words:

"Any County Auditor in the State shall be authorized to issue the license contemplated in this section; which license, so issued, shall authorize the holder of the same to vend goods, wares and merchandise, as set forth in such license in any county in this State."

Adopted.

Mr. Hagar moved to strike out in second line of section twenty-nine, the word "fifty," and insert "thirty."

Upon which the ayes and nays were demanded by Messrs. Tuttle, Hagar and Whiting, and it was lost by the following vote:

AYES.

Messrs. Catlin, Gardner, Hagar and Tuttle—4.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Grewell, De La Guerra, Hall, Hook, Keene, Mahoney, McFarland, McGarry, Peck, Sprague, Wade, Walkup and Whiting—17.

Mr. Sprague moved to strike out in section thirty-eight, line five, the words "two per cent." and insert "one per cent."

Upon which the ayes and nays were demanded by Messrs. Sprague, Keene and Walkup, and it was lost by the following vote:

AYES.

Messrs. Gardner, Hall, Hook, Keene, Peck, Sawyer, Sprague and Walkup—8.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crenshaw, De La Guerra, Hagar, McGarry, Tuttle, Wade and Whiting—10.

Mr. Tuttle moved to strike out section twenty-eight.

Lost.

Mr. Hagar moved to amend section twenty, by striking out the words "or be sold by auctioneers at private sale."

Lost.

Mr. Walkup moved that the bill be ordered engrossed for a third reading.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Hagar and Coffroth, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Crenshaw, Gardner, De La Guerra, Hall, Keene, Mahoney, McFarland, Peck, Sawyer, Sprague, Stebbins, Wade and Walkup—15.

NAYS.

Messrs. Coffroth, Colby, Hagar, Tuttle and Whiting—5.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday,

An Act amendatory to the Act Incorporating the City of Marysville, and to all Acts supplementary and amendatory to the same.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 288, for An Act amendatory to the Act Incorporating the City of Marysville, and to all Acts supplementary and amendatory to the same.

Read a first, second and third time, and passed.

Mr. Whiting moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Hagar, Coffroth and Colby, and it was lost by the following vote:

AYES.

Messrs. Hall, Sawyer and Whiting—3.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Gardner, De La Guerra, Hagar, Hook, Keene, Kendall, Mahoney, Moore, McFarland, Peck, Smith, Sprague, Stebbins, Tuttle, Wade and Walkup—21.

Mr. Colby in the chair.

Mr. Walkup moved to take from the table Senate Bill, No. 147, for An Act to regulate the payment by the State Treasurer of the Warrants of the Comptroller of State.

Agreed to.

The amendments reported by the Committee on Finance, were lost.

Mr. Sprague moved to add as an additional section:

"This Act shall take effect from and after the first day of July, 1854."

Lost.

Mr. Coffroth moved that the bill be engrossed and read a third time.

Carried.

Mr. Walkup called for the third reading of the bill.

The Chair decided it could not be had before engrossment.

From which decision, Mr. Walkup appealed, and the question being,

"Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Sprague, Catlin and Keene, and the following vote was had:

AYES.

Messrs. Hook, Keene, Smith, Sprague and Wade—5.

NAYS.

Messrs. Bryan, Catlin, Crenshaw, Grewell, De La Guerra, Hagar, Kurtz, Peck, Sawyer, Tuttle and Walkup—11.

No quorum voting, but a quorum being present, the decision of the Chair was overruled.

The bill was read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Sprague, McGarry and Wade, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Hagar, Hook, Keene, Mahoney, McGarry, Peck, Sawyer, Smith, Tuttle, Wade and Walkup—13.

NAYS.

Messrs. Coffroth, Crenshaw, Grewell, Kurtz, Sprague and Stebbins—6.

Mr. Bryan moved that the Senate adjourn.
Upon which the ayes and nays were demanded by Messrs. Stebbins, Peck and Catlin, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hagar, Keene, Kurtz, McFarland, Smith, Sprague, Stebbins and Wade—12.

NAYS.

Messrs. Catlin, Grewell, Peck, Sawyer, Tuttle and Walkup—6.

So the Senate then adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretery.

IN SENATE.

SATURDAY, April 29, 1854.

Senate met pursuant to adjournment.
President *pro tem.*, in the chair.
Prayer by the Rev. Mr. Woodbridge.

The President ordered a call of the roll, and the following Senators were found absent: Messrs. Colby, Crabb, Crenshaw, Gardner, Hall, Hudspeth, Kendall, Leake, Lent, Lyons, Mahoney, McFarland, Peck and Wade.

Mr. Tuttle asked leave of absence for Mr. Bryan, for two days.
Granted.
Mr. Moore asked leave of absence for Mr. Lent, for two days.
Granted.
Mr. McGarry asked leave of absence for Mr. Hudspeth, for four days.
Granted.
The Journal of yesterday was then read and approved.
Mr. McGarry presented the petition of George Livingston, praying relief.
Read, and referred to the Committee on Claims.
Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for the relief of Carlos Isarda, with an amendment, recommending its passage.
The amendment of the Committee was concurred in, and the bill was read a third time, and passed.
On motion of Mr. Coffroth, Assembly Bill, No. 174, for An Act amendatory of an Act Dividing the State into Counties, and Establishing the Seats of Justice therein, passed April 25, 1851, was taken from the table.
On motion of Mr. Mahoney, it was re-committed to a Special Committee, consisting of Messrs. Hagar, Hudspeth and Coffroth.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills, have carefully examined the following Assembly Bills, viz:
An Act to Create the Office of State Printer and define the Duties and Compensation thereof, and to provide for the time and manner of Election.
An Act to declare Exempt from Forced Sale, under execution, or other process, Certain Property of the several Counties in this State;
An Act to Adjust the amount of Indebtedness of the County of Alameda to the County of Santa Clara, and to provide for the payment of the same; and,
An Act to amend an Act to Establish an Asylum for the Insane of the State of California, approved May 17, 1852, and find the same correctly enrolled.

SAM. B. SMITH,
Chairman.

On motion of Mr. Sprague, Senate Bill, No. 140, for An Act concerning Public Ferries and Toll Bridges was taken up.
The bill was read a second time, and,
On motion of Mr. Smith, referred to the Committee on Finance.
Mr. Mahoney moved to take from the table, Senate Bill, No. 137, for An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853.
Agreed to.
Mr. Walkup moved to lay it on the table, and make it the special order of the day for next Tuesday, at 12 o'clock.
Upon which the ayes and nays were demanded by Messrs. Hagar, Hook and Walkup, and it was decided in the negative by the following vote:

AYES.

Messrs. De La Guerra, Hagar Hook, Keene, Sawyer and Walkup—6.

NAYS.

Messrs. Colby, Crenshaw, Crowell, Hall, Kurtz, Livermore, Mahoney, May, Smith, Sprague, Stebbins, Tuttle, Wade and Whiting—14.

Mr. Walkup moved that the Senate proceed as in Committee of the Whole.

Lost.

On motion of Mr. Smith, the bill was referred to a Select Committee of three, with instructions to report it back on Tuesday next, and it was made the special order for that day at 1 o'clock. Messrs. Smith, Mahoney and Coffroth were appointed the Committee.

Mr. Sawyer presented certificates and affidavits in reference to certain Civil Warrants.

Referred to the Committee on Claims.

Mr. Whiting reported back Assembly Bill for An Act to provide for the Erection of a Jail in the County of Monterey.

The bill was read a third time and passed.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee of Conference, on the disagreeing vote on Senate amendments to Assembly Bill No. 184, report, that they have had the same under consideration, and recommend that the Senate recede from its first amendment and adhere to the others.

TUTTLE,
WADE,
McFARLAND,
Senate Committee.

CONNESS,
CARR,
IRWIN,
Assembly Committee.

On motion of Mr. Walkup, the report was laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill No. 142, An Act amendatory of an Act to create the County of Stanislaus, approved April 1st, 1854, and have amended the same as therein shown, to which they ask the concurrence of your honorable body.

Respectfully,

B. McALPIN, Clerk.

Senate Bill No. 142, for An Act amendatory of an Act entitled an Act to create the County of Stanislaus, approved April 1, 1854, was taken up, and the amendment of the Assembly concurred in.

Mr. Walkup moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Tuttle and Hall, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Crenshaw, Gardner, Hagar, Hall, Hook, Keene, Kurtz, Livermore, McFarland, Sawyer, Stebbins, Wade and Walkup—14.

NAYS.

Messrs. Coffroth, Colby, De La Guerra, Smith, Sprague, Tuttle and Whiting—7.

So the Senate adjourned.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Monday, May 1, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
The Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Senate Bill, No. 138, for An Act to provide for the Selection of Jurors for the Courts of the County and City of San Francisco, with a substitute for the same, recommending the passage of the substitute.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 27, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to provide for the Payment of the Compensation due certain Members and Attachés of the Legislature of this State;

An Act allowing the Court of Sessions of Yuba County to levy a Special Tax for the support of the Indigent Sick of said County.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 28, 1854.

To the Senate of California:

I have, this day, approved An Act which originated in the Senate, entitled An Act appropriating money to pay D. D. Colton for services rendered to the State.

JOHN BIGLER.

Mr. Tuttle submitted the following resolution, which was adopted:

Resolved, That the Engrossing Clerk be authorized to employ such assistance as he may need to engross the Revenue Bill.

Senate Bill, No. 28, for An Act amendatory of an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of Certain Property of the State of California, passed March 26, 1851, approved May 18, 1853, was taken up, and considered as in Committee of the Whole, Mr. Walkup in the chair.

Mr. Hagar moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent: Messrs. Coffroth, Colby, Gardner, Grewell, Hall, Kendall, Kurtz, Lent, May, Moore, McFarland, Peck, Sawyer, Smith and Stebbins.

On motion of Mr. Tuttle, further proceedings under the call were dispensed with.

The Committee rose, and,

On motion of Mr. Mahoney, the bill was laid upon the table.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossment have examined, and find correctly engrossed, Senate Bill, No. 169, entitled An Act to create a Contingent Fund to pay the postage of the Members of the Legislature of the year 1854.

CHARLES A. TUTTLE,
Chairman.

Leave being granted, Mr. Hagar introduced a bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Crenshaw submitted the following resolution, which was adopted:

Provided, By the Senate, the Assembly concurring, that the Committee on Corporations of the Senate, and the Select Committee of the Assembly, to whom was referred the amendments to the Corporation Law, and the bill concerning the Pacific Railroad, be authorized to act jointly.

On motion of Mr. Whiting, 150 copies of a bill for An Act to encourage the Construction of a Railroad and Telegraph line from the Bay of San Francisco, to the eastern line of this State, with branches thereto, were ordered printed.

Mr. Tuttle offered the following resolution, which was read, and referred to to the Committee on Claims:

Resolved, That the Comptroller be directed to draw his warrants on the Treasurer, payable out of the Contingent Fund of Senate, in favor of Roderick N. Morrison, for eighty-four dollars; of Nathaniel Holland, for eighty-four dollars; and of James Hagan, for eighty-two dollars, for payment of their fees, as witnesses before Senate Select Committee to investigate matters connected with Leidesdorff Estate.

On motion of Mr. De La Guerra, Assembly Bill for An Act for the Protection of Settlers, was taken from the table.

On motion of Mr. De La Guerra, the bill was referred to the Judiciary Committee, and made the special order of the day for Friday next, by the following vote, the ayes and nays having been demanded by Messrs, Crabb, Sawyer and Kurtz:

AYES.

Messrs. Catlin, De La Guerra, Hagar, Keene, Kurtz, Mahoney, Sprague, Tuttle, Wade and Whiting—10.

NAYS.

Messrs. Crabb, Crenshaw, Gardner, Hook, Lyons, McGarry, Sawyer, Stebbins and Walkup—9.

Mr. Tuttle moved to take from the table the proposed amendments to the Constitution.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Catlin and Sawyer, and it was decided in the negative by the following vote:

AYES.

Messrs. Crenshaw, De La Guerra, Lyons, Sawyer, Sprague and Tuttle—6.

NAYS.

Messrs. Catlin, Crabb, Gardner, Hagar, Hook, Keene, Mahoney, McGarry, Stebbins, Wade, Walkup and Whiting—12.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 29, 1850;

An Act giving power to the Court of Sessions of Sacramento County to cancel certain Delinquent Taxes, assessed for the year 1852;

An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a Special Tax for the Support and Maintenance of the Indigent Sick of said County;

An Act to amend an Act entitled an Act to authorize the formation of Limited Partnerships;

An Act to authorize the Governor of this State to convey Certain Property in the City and County of San Francisco to the United States, for certain purposes;

An Act amendatory of an Act entitled an Act to create the County of Stanislaus, approved April 1, 1854.

SAM. B. SMITH,
Chairman of Senate Committee.

Mr. Smith also submitted the following report:

Mr. President:

The Committee on Enrolled Bills have carefully examined Assembly Bills, entitled An Act supplementary to and explanatory of an Act entitled an Act making appropriation for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854;

An Act amendatory to the Act Incorporating the City of Marysville, and to all Acts supplementary and amendatory to the same, and find the same correctly enrolled.

SAM. B. SMITH,
Chairman.

On motion of Mr. Mahoney, the Senate adjourned.

B. F. KEENE,
President *pro tem.*, of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, May 2, 1854.

Senate met pursuant to adjournment.
President in the chair.
The Journal of yesterday was read and approved.

Mr. Cobly presented a petition of citizens of the State of California, praying the passage of a law for the construction of a Canal from the town of Sutter to the mouth of the Slough.
Read and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed April 29th,
An Act to amend an Act providing for securing the State Prison Convicts.

B. McALPIN, Clerk.

The following message was also received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, the following Assembly bills:
An Act to amend an Act concerning Crimes and Punishments, passed April, 16, 1850;
An Act for the protection of persons owning Timber, Logs and Lumber, floating upon waters or carried upon adjoining lands;
An Act to amend an Act concerning Toll-Bridges, passed May 1, 1851;
An Act to amend section seventh of an Act entitled an Act concerning the Office of Surveyor-General.
An Act granting Joseph R. Beals and others, the right to construct a Toll-Bridge across the Pajara River;
An Act for the relief of John Boling, Sheriff of Mariposa County; and,
An Act to amend the fourth section of an Act concerning the Office of State Treasurer, passed Jan. 24, 1850.
They also passed, this day, Senate Bill, No. 154, An Act to authorize the Governor of this State to convey Certain Property in the City and County of San Francisco to the United States, for certain purposes.
All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 111, for An Act to amend an Act providing for securing the State Prison Convicts.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 282, for An Act to amend the fourth section of an Act concerning the Office of State Treasurer, passed Jan. 24, 1850.

Read a first and second time, and referred to the Committee on Finance, with instructions to report to-morrow.

Assembly Bill, No. 204, for An Act for the relief of John Boling, Sheriff of Mariposa County.

Read a first and second time, and referred to the Committee on Claims.

Assembly Bill, No. 264, for An Act granting Joseph R. Beals and others, the right to construct a Toll-Bridge across the Pajara River.

Read a first and second time, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 161, for An Act to amend section seven of an Act entitled an Act concerning the office of Surveyor-General.

Read a first and second time, and referred to the Committee on Public Lands.

Assembly Bill, No. 245, for An Act to amend an Act entitled an Act concerning Toll-Bridges, passed May 1, 1851.

Read a first and second time, and referred to the Committee on Finance.

Assembly Bill, No. 176, for An Act for the protection of Persons owning Timber, Logs and Lumber, floating upon waters or carried upon adjoining lands.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 94, for An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time, and referred to the Judiciary Committee.

A communication from the Board of Commissioners to adjust the War Claims against the State.

Read and referred to the Committee on Claims.

Mr. Tuttle also submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined and find correctly engrossed, the following:

Senate Bill, No. 131, An Act to authorize Isaac E. Davis and A. P. Jordan, to construct a Wharf into the Bay of Monterey;

Senate Bill, No. 147, An Act to regulate the payment by the State Treasurer of the Warrants of the Comptroller of this State;

Senate Bill, No. 177, An Act amendatory of an Act to amend an Act relating to Corporations; and,

Senate Bill, No. 172, An Act for the relief of Carlos Isarda.

CHAS. A. TUTTLE,
Chairman Engrossing Committee.

On motion of Mr. Peck, Assembly Bill, No. 244, for An Act to give jurisdiction to the District Court, County Courts and Justices' Courts, in Plumas County, in certain cases, was taken from the table, and read a third time and passed.

Mr. Hagar presented the petition of James Austin, in relation to lost bonds and scrip, which was read, and referred to the Committee on Claims.

Mr. Lent presented a Preamble and Concurrent Resolutions in relation to goods destroyed by fire in the City of San Francisco in 1850 and 1851, which were read, and referred to the Committee on Commerce and Navigation.

Mr Hagar presented a memorial from Members of the Bar, and citizens of San Francisco, in relation to the organization of a new Judicial District, which was read, and referred to the Judiciary Committee.

Mr. Tuttle presented resolutions to pay Thomas Hayes and Alexander M. Schell, for copies of papers furnished Senate Select Committee on the Leidesdorff Estate, which were read, and referred to the Committee on Claims.

Mr. Colby moved to take up Senate Bill, No. 122, for An Act to provide for the construction of a Canal from the Sacramento River at the Town of Sutter, to the mouth of the Slough.

Agreed to.

The amendments of the Committee on Corporations were adopted, and,

On motion of Mr. Keene, the bill was laid on the table.

Mr. Walkup, Chairman of the Committee on Claims, reported back affidavits and certificates in reference to lost warrants, with a bill for An Act to authorize the Comptroller to issue Duplicate Warrants.

The bill was read a first, second and third time, and passed.

Mr. Hall in the chair.

Senate Bill for An Act to amend an Act entitled an Act to provide for the protection of Foreigners and to define their Liabilities and Privileges, was taken from the table.

Mr. Tuttle moved to amend the first section by striking out in the sixth line, the words "prior to the first day of January, 1854."

Upon the adoption of which, the ayes and nays were demanded by Messrs. Tuttle, De La Guerra and Catlin.

Mr. Tuttle moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent:

Messrs. Colby, Crabb, Grewell, Keene, Kendall, Kurtz, Leake, Lent, May, Moore, McFarland, McGarry, Smith, Wade and Whiting.

On motion of Mr. Catlin, further proceedings under the call were dispensed with.

The amendment was lost by the following vote:

AYES.

Messrs. Catlin, De La Guerra, Livermore, Sawyer, Sprague, Stebbins and Tuttle—7.

NAYS.

Messrs. Coffroth, Crenshaw, Gardner, Hall, Hook, Hudspeth, Lyons, Peck, Smith, Wade and Walkup—11.

Mr. Livermore moved to amend the fifth section by striking out in the 23d line, the word "one," and insert "two."

Upon which the ayes and nays were demanded by Messrs. Livermore, Sawyer and Peck, and it was lost by the following vote:

AYES.

Messrs. Catlin, Livermore, Lyons, Mahoney, Sprague and Stebbins—6.

NAYS.

Messrs. Coffroth, Crenshaw, Gardner, De La Guerra, Hall, Hook, Hudspeth, May, Peck, Sawyer, Tuttle, Walkup and Whiting—13.

On motion of Mr. Walkup, the bill was considered engrossed, read a third time, and passed.

Mr. Sprague submitted the following report:

Mr. President:

The Committee on Finance, to whom was referred the petition of Smith, Brothers & Co., asking that duplicate warrants upon the Treasurer of State be issued to them in place of certain warrants destroyed by fire, have had the same under consideration, and, herewith, report a bill authorizing the issuance of two duplicate warrants to said Smith, Brothers & Co., and recommend its passage.

R. T. SPRAGUE,
Chairman.

The bill was read a first and second time, and, objection being made, was laid over under the rule.

Mr. Coffroth submitted the following report:

Mr. President:

The Special Committee, to whom was referred An Act to authorize the Mayor and Common Council of the City of Sacramento, to levy and collect a Special Tax for the redemption of the Bonds of said City, having had the same under consideration, report it back and recommend its passage, with the following amendment:

After the word "exceeding," in the seventh line of section first, insert the words, "one-half of."

A. P. CATLIN,
G. W. COLBY,
Committee.

The amendment of the Committee was concurred in, and,

On motion of Mr. Catlin, the bill was considered engrossed, read a third time and passed.

On motion of Mr. Catlin, Senate Bill for An Act fixing the age of majority of Males and Females in this State, was taken from the table.

The substitute reported by the Judiciary Committee, entitled An Act fixing the age of Males and Females, was adopted.

Mr. Lyons in the chair.

Mr. Tuttle moved to indefinitely postpone the bill.

Lost.

Mr. Tuttle moved to amend the first section, by striking out in the fourth line, "eighteen" and inserting "twenty-one,"

Lost.

Mr. Hagar moved to amend by substituting for the last clause of section one, the following: "females if married, when they are eighteen years old, if unmarried, when they are twenty-one years old."

Lost.

The bill was then read a third time and passed.

Mr. Hagar moved to amend the title, by inserting after the word "age" "of majority."

Agreed to.

On motion of Mr. Coffroth, Senate Bill, No. 130, for An Act prescribing the manner of Commencing and Maintaining Suits against Counties, was taken up.

The amendments of the Committee was concurred in, and the bill ordered engrossed for a third reading.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, a Concurrent Resolution, to which they ask the concurrence of your honorable body.

B. McALPIN, Clerk.

The following resolution was then read and adopted:

Resolved, (The Senate concurring,) that both Houses meet in the Assembly chamber, on the 4th inst., at 12 o'clock, M., and by joint vote proceed to the election of State Printer.

Mr. Lent in the chair.

On motion of Mr. Sprague, Senate Bill, No. 36, for An Act to amend an Act to Regulate Proceedings in Criminal Cases, was taken from the table.

Mr. Coffroth moved to strike out the substitute of the Committee for section four, which reads as follows:

"Section 4.—Section 362 is amended so as to read as follows:

Section 362. The Jury having been empanneled and sworn, the trial shall proceed in the following order:—

1. If the indictment be for a felony, the clerk must read the indictment, and state the plea of the defendant to the jury. In all other cases this formality may be dispensed with.
2. The District Attorney, or other counsel for the people must open the cause, and offer evidence in support of the indictment.
3. The defendant or his counsel, may then open the defense, and offer his evidence in support thereof.
4. The parties may then, respectively, offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon the original cause.
5. When the evidence is concluded, unless the case is submitted to the jury, on either or both sides without argument, the counsel for the people may conclude the argument to the jury.
6. The court then shall charge the jury, if requested by either party."

Upon the motion to strike out the substitute, the ayes and nays were demanded by Messrs. Tuttle, Coffroth and Smith, and it was lost by the following vote:

AYES.

Messrs. Coffroth, Lent, Lyons, Moore and Sprague—5.

NAYS.

Messrs. Catlin, Colby, Crabb, Crenshaw, Gardner Grewell, De La Guerra, Hagar, Hook, Keene, Mahoney, Peck, Sawyer, Smith, Stebbins, Tuttle and Walkup—17.

Mr. Sprague moved to strike out second subdivision of section sixth, which reads as follows: "To the District Court of the County, from a final judgment of the Court of Sessions, or from an order granting or refusing a new trial in an action or proceeding commenced or prosecuted in the Court of Sessions, or which effects a substantial right in such action or proceeding."

Lost.

The amendment of the Committee as section eight, which reads:

"Section 8. Section 482 of said Act is hereby repealed," was then concurred in,

Mr. Sawyer moved to re-consider the vote just taken.

Mr. Stebbins moved that the Senate adjourn.

Lost.

The vote being upon the motion to re-consider, it was lost.

Mr. Hagar offered as section six, the following:

"Section 6. Section 376 of said Act is hereby repealed."

Adopted.

The other amendment of the Committee was concurred in.

On motion of Mr. Sprague the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretery.

IN SENATE.

WEDNESDAY, May 3, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
Journal of yesterday was read and approved.

Mr. Hagar, Chairman of the Judiciary Committee, submitted the following report:

Mr. President:

The Committee on the Judiciary have had under consideration Senate document, No. 284, a communication from S. Asbury Sheppard, in relation to public printing, beg leave to report, that they have heretofore reported on the same subject matter in their report on a communication from Washington, Geiger & Co., to which they respectfully refer.

Respectfully,

JOHN S. HAGAR,
Chairman.

Mr. Hagar also reported back from the same Committee, a bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, recommending its passage; also,

A bill for An Act to authorize the Administrator of the Estate of Richard Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller, without recommendation.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Assembly Bill, No. 220, for An Act to authorize William Roberts and others, to build a Wharf at Bucksport, in Humboldt County, recommending its passage; and,

Senate Concurrent Resolutions of instruction to Representatives in Congress, relative to refunding of duties on goods destroyed by fires in San Francisco in 1850 and 1851, recommending them to the immediate and favorable consideration of the Senate.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Assembly Bill, No. 170, for An Act to provide for the Organization of the Court of Sessions in and for the County of Yolo, which, being unconstitutional, in the opinion of the Committee, they recommend that it be indefinitely postponed; also,

Assembly Bill, No. 195, for An Act to amend an Act concerning the Official Bonds of Officers, with amendments, recommending it be passed, with the accompanying amendments; also,

A bill for An Act amendatory of and supplementary to an Act entitled an

Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, with amendments, recommending its passage; and,

Assembly Bill, No. 224, for An Act to fund that portion of the Debt of Trinity County, accruing previous to the 12th of May, 1853, apportioned to Humboldt County, and provide for the payment thereof, recommending its passage.

Mr. Crabb submitted the following report:

Mr. President:

The Select Committee, to whom was referred a bill for An Act to provide for Funding the Debt of Contra Costa County, for the Payment of the Interest thereon, and for the Gradual Liquidation of the Debt, have had the same under consideration, and report it back with the amendments thereto annexed.

HENRY A CRABB,
J. GREWELL,
Committee.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act for the relief of H. S. Jackson and William Buchannon, with an amendment, recommending its passage.

Mr. Sprague, Chairman of the Committee on Finance, submitted the following report:

Mr. President:

The Committee on Finance, to whom was referred Assembly Bill, No. 238, An Act to amend the Fourth Section of an Act concerning the Office of State Treasurer, passed January 24, 1850, having had the same under consideration, report the same back, and recommend its indefinite postponement. Your Committee, upon careful consideration of said bill, believe that the effect of its passage in the form proposed would be to discharge and release the securities of the Treasurer of State, in case of loss of the public moneys deposited under the requirements of the amended law. The section of the law which the bill proposes to amend, and under which the Treasurer gave bond and entered upon the duties of his office, requires that he shall secure and keep all moneys of the State, not expressly required by law to be received and kept by some other person; and now to so amend this law as to require him to keep the moneys of the State in some particular city, town or place, would, in the opinion of your Committee, discharge the Treasurer and his securities from liability, should a loss occur, after a deposit of the moneys by the Treasurer, in compliance with this amended law, as proposed by the bill.

Respectfully,

R. T. SPRAGUE, Chairman.
JOHN S. HAGAR,
G. W. COLBY,
WM. M. LENT.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly concurred, this day, in the recommendation of the Committee of Conference upon the disagreeing vote upon Senate Bill, No. 55, for An Act entitled an Act relative to transferring Actions and Proceedings from one Court to another Court.

They have also concurred in the report of the Committee of Conference upon the disagreeing vote upon Senate Bill, No. 116, entitled An Act supplementary to an Act to exempt Firemen from Militia service and Jury duty.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

A communication was received from the Secretary of State in reference to furnishing State Maps for the use of the Senate, which was read, and laid upon the table.

Leave being granted, Mr. Bryan introduced a bill for An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851; and to amend An Act amendatory thereto, passed May 17, 1853; which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Catlin submitted a Concurrent Resolution, authorizing the Committees on Mines and Mining Interests of the Senate and Assembly to act jointly on Senate Bill, No. 145.

Which was adopted.

Mr. Smith submitted the following report:

Mr. President:

The Select Committee, to whom was referred Senate Bill for An Act entitled an Act for the Measurement of Lumber, passed April 30, 1853, have had the same under consideration, and report to the Senate a substitute therefore, and recommend its passage.

SAM. B. SMITH,
Chairman.

On motion of Mr. Hook, a bill for An Act for the relief of H. S. Jackson and William Buchannon, was taken from the table.

The amendment of the Committee on Claims was concurred in, and the bill read a third time and passed.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills report, that on Saturday, April 29, 1854, they presented to the Governor, for his approval, the following Acts:

An Act to create the Office of State Printer, and define the Duties and Compensation thereof, and to provide for the Time and Manner of Election;

An Act to declare exempt from Forced Sale under Execution, or other process, certain Property of the several Counties in this State;

An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Santa Clara, and to provide for the payment of the same; and,

An Act to amend an Act to establish an Asylum for the Insane of the State of California.

SAM. B. SMITH,
Chairman of Senate Committee.

The following messages were received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 152, An Act to change the name of George Davenport Parmalee to that of George Curtis Currie; also,

Senate Concurrent Resolution to create a Joint Committee in reference to Railroads and Internal Improvements; and,

Assembly Concurrent Resolution in reference to a distribution of certain Maps therein named.

Also, the following Assembly Bills: An Act concerning Estray Animals;

An Act to prevent the Absence of Judicial and other Officers from this State;

An Act to prevent Stallions from running at large;

An Act supplementary to an Act to provide for the Lien of Mechanics, and others, passed April 12, 1850;

An Act to appropriate Money to enable the Trustees of the Insane Asylum to erect an additional Building, and to enclose the Grounds belonging to the Asylum;

An Act to fix the Times for holding the Terms of the District Court throughout this State;

An Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1851;

An Act to prevent the Destruction of Fish in the waters of Stockton and Mormon Slough, in San Joaquin County;

An Act to provide for the better Observance of the Sabbath; and

An Act to provide Offices for certain County Officers in the County of Sacramento.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 290, for An Act to appropriate Money to enable the Trustees of the Insane Asylum to erect an additional Building, and to enclose the Grounds belonging to the Asylum, was read a first and second time, and referred to the Committee on State Hospitals, with instructions to report to-morrow.

Assembly Bill, No. 312, for An Act to Prevent the Destruction of Fish in the Waters of Stockton Slough and Mormon Slough in San Joaquin County.

Read a first, second and third time, and passed.

Assembly Bill, No. 307, for An Act to provide Offices for certain County Officers in the County of Sacramento.

Read a first, second and third time, and passed.

Assembly Bill, No. 304, for An Act to prevent Stallions from running at large.

Read a first and second time, and referred to the Committee on Agriculture.

Assembly Bill, No. 313, for An Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1851.

Read a first and second time, and referred to the Committee on Agriculture.

Assembly Bill, No. 279, for An Act to Fix the Times for Holding the Terms of the District Courts throughout this State.

Read a first and second time, and laid on the table.

Assembly Bill, No. 285, for An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 191, for An Act to prevent the absence of Judicial and other Officers from this State.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 258, for An Act concerning Estray Animals.

Read a first and second time, and referred to the Committee on Agriculture.

Assembly Concurrent Resolution relative to the Reception and Distribution of certain State Maps.

Read, and concurred in.

Assembly Bill, No. 164, for An Act to provide for the Better Observance of the Sabbath.

Read a first and second time, and referred to the Committee on Vice and Immorality.

On motion of Mr. Crenshaw, Senate Bill, No. 36, for An Act to amend an Act to Regulate Proceedings in Criminal Cases, was taken from the table.

Mr. Lent in the chair.

Mr. Whiting moved to amend the third section by striking out in the fifth and sixth lines, the word "twenty," and insert in the fifth line, the word "twelve," and in the sixth line, the word "eight."

Agreed to.

Mr. Smith moved to lay the bill upon the table.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Catlin and Mahoney, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crabb, Hall, Lent, Lyons, Moore, Peck, Smith, Sprague, Stebbins, Wade, Walkup and Whiting—15.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hudspeth, Livermore, Mahoney, May, McGarry, Sawyer and Tuttle—13.

On motion of Mr. Crabb, a bill to provide for An Act for Funding the Debt of Contra Costa County, for the Payment of the Interest thereon, and for the Gradual Liquidation of the Debt.

Taken from the table, the amendments of the Committee concurred in, and the bill read a third time and passed.

Mr. Catlin presented a memorial of Cornelius Cole.

Referred to the Committee on Claims.

On motion of Mr. Mahoney, Senate Bill for An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853, was taken from the table.

Mr. Walkup moved to lay the bill upon the table.

Upon which the ayes and nays were demanded by Messrs. Walkup, Sawyer and Hagar, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Grewell, De La Guerra, Hagar, Lent, Wade and Walkup—8.

NAYS.

Messrs. Colby, Gardner, Lyons, Mahoney, May, Moore, Peck, Smith, Sprague, Stebbins and Whiting—11.

Mr. Crabb moved a call of the Senate.

Upon which the ayes and nays were demanded by Messrs. Catlin, Crabb and Smith, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Catlin, Crabb, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Keene, Lent, Lyons, May, McGarry, Peck, Wade and Walkup—17.

NAYS.

Messrs. Colby, Mahoney, Smith, Sprague, Stebbins, Tuttle and Whiting—7.

The roll being called the following Senators were found absent: Messrs. Crenshaw, Kendall, Kurtz, Leake, Livermore, McFarland and McGarry.

On motion of Mr. Coffroth, the call was temporarily suspended, and the following message from the Assembly was received and read:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, this day, An Act for a Special Term of the District Court of the County of Placer, which is herewith

Respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill for An Act for a Special Term of the District Court of the County of Placer, was then read a first, second and third time, and passed.

Mr. Lent gave notice that he would, on to-morrow, move to re-consider the vote just taken.

Leave being granted, Mr. Hall introduced a bill for An Act to Incorporate the Town of Placerville.

Read a first, second and third time, and passed.

The call being further suspended,

On motion of Mr. Sprague, Senate Bill for An Act to authorize the Comptroller of State to issue Duplicate Warrants to Smith, Brothers & Co.

Read a third time and passed.

Mr. De La Guerra, Chairman of the Committee on Agriculture, reported back Assembly Bill for An Act for the Protection of Game, recommending its passage.

The bill was taken up and read a third time.

Mr. Wade moved to re-commit the bill with instructions to strike out the "fourth section," to amend the sixth section by striking out the words "public offense," and inserting "misdemeanor;" and in the fifth line of same section, strike out the words "for a misdemeanor," and report to-morrow.

Agreed to.

On motion of Mr. Hagar, Senate Bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was taken from the table.

The amendment of the Committee was concurred in, and the bill read a third time.

Mr. Bryan moved to lay the bill upon the table.

Lost.

Mr. Hagar moved to re-consider the vote by which the bill was read a third time.

Agreed to.

On motion of Mr. Hagar, the blank in fifth section was filled with the word "seven."

Mr. Hagar moved that the bill be read a third time.

Agreed to.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Bryan, Walkup and Stebbins, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Hagar, Hall, Lent, Lyons, Mahoney, May, Moore, McFarland, Peck, Smith, Sprague, Wade and Whiting —18.

NAYS.

Messrs. Livermore, Sawyer, Stebbins, Tuttle and Walkup—5.

On motion of Mr. May, Assembly Bill for An Act to Fund that portion of the Debt of Trinity County accruing previous to the 12th of May, 1853, apportioned to Humboldt County, and provide for the payment thereof.

Taken up, and read a third time, and passed.

Mr. Whiting moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Stebbins and De La Guerra, and the following vote was had:

AYES.

Messrs. Catlin, Crabb, Gardner, Grewell, Hagar, Hall, Hook, Hudspeth, Keene, May, McFarland, Peck. Sawyer and Whiting—14.

NAYS.

Messrs. Coffroth, Colby, De La Guerra, Lent, Livermore, Lyons, Mahoney, Moore, Smith, Sprague, Stebbins and Tuttle—12.

The President declared the call suspended, and the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, May 4, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Lent presented a remonstrance of the Chamber of Commerce, against the extension of the City Front of San Francisco.

Read and referred to the Committee on Commerce and Navigation.

Mr. Sprague presented a petition from certain citizens of Colusi, Butte and Shasta Counties, praying the formation of a new county.

Referred to the Delegations from Shasta and Butte.

Mr. Kendall, Chairman of the Committee on State Hospitals, reported back Assembly Bill for An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional Building and to enclose the Grounds belonging to the Asylum, recommending its passage.

Mr. Crabb moved that the bill be read a third time.

Mr. Sprague moved to re-commit, with instructions to provide a Special Fund for the payment of the appropriation made in the bill.

Upon which the ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Livermore, Lyons and Sprague—4.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Hudspeth, Keene, Kendall, Kurtz, Lent, McFarland, Peck, Smith, Stebbins and Wade—14.

The bill was then read a third time, and, upon the passage, the ayes and nays were demanded, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Hook, Hudspeth, Keene, Kendall, Lent, May, McFarland, Peck, Smith, Stebbins and Wade—17.

NAYS.

Messrs. Livermore, Lyons, Sprague and Walkup—4.

Mr. Crenshaw submitted the following report:

Mr. President:

The Joint Committee of the Senate and Assembly have considered Senate Bill, No. 170, entitled An Act to amend an Act to provide for the formation of Corporations for certain purposes, so as to make the same applicable to the incorporation of Transportation Companies, and hereby return the same to the Senate with the recommendation that it pass.

JNO. T. CRENSHAW,
Chairman Senate Committee.

J. C. JONES,
Chairman Assembly Committee.

Mr. Hook, Chairman of the Committee on Vice and Immorality, submitted the following report:

Mr. President:

The Committee to whom was referred Assembly Bill for An Act for the better observance of the Sabbath, report it back, recommending its passage.

G. W. HOOK,
G. W. COLBY,
W. H. LYONS.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back, without recommendation, a bill for An Act to authorize Larkin Richardson to build a Wharf in Solano County; and,

A bill for An Act to authorize Stephen K. Nurse to build a Wharf in the County of Solano.

Mr. Colby, Chairman of the Committee on Roads and Highways, reported back a bill for An Act to authorize William H. Nurmally to construct a Wagon Road from Shasta City to the Cañon House, at the head of the Sacramento Valley in the County of Shasta; and,

A bill for An Act granting Joseph R. Beals and others the right to construct a Toll-Bridge across the Pajara River, recommending their passage.

Mr. Sprague, Chairman of the Committee on Finance reported back Assembly Bill for An Act to amend an Act entitled an Act concerning Toll-Bridges, passed May 1, 1851, recommending its indefinite postponement; and,

Senate Bill for An Act concerning Public Ferries and Toll-Bridges, with an amendment recommending its passage.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act for the relief of Soldiers called out by the Governor to suppress Indian Difficulties in Los Angeles and San Diego Counties in the year 1851, with an amendment recommending its passage.

Leave being granted, Mr. Kendall introduced a bill for An Act for the relief of Richard C. Barry.

Read a first and second time, and referred to the Committee on Claims.

Leave being granted, Mr. Wade introduced a bill for An Act for the payment of State Prison Inspectors.

Read a first and second time, and referred to the Committee on Public Expenditures.

Leave being granted, Mr. Crenshaw introduced a bill for An Act to prevent fraud in the sale of Flour.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to authorize the Governor of this State to convey Certain Property in the City and County of San Francisco to the United States for certain purposes;

An Act amendatory of an Act entitled an Act to create the County of Stanislaus, approved April 1, 1854;

An Act to amend an Act entitled an Act to authorize the formation of Limited Partnerships;

An Act giving power to the Court of Sessions of Sacramento County to cancel certain Delinquent Taxes, assessed for the year 1852;

An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said County; and,

An Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850.

JOHN BIGLER.

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1854.

To the Senate of California:

I have the honor, herewith, to transmit a copy of a deed executed by the Mayor of the City of Sacramento, conveying to the State of California the title of said City of, in and to, a certain piece or parcel of land, within the limits of said City, known as the "Public Square;" also, a copy of a deed executed by John A. Sutter, conveying to the Mayor and Common Council of the City of Sacramento, all his interest in the above described property.

JOHN BIGLER.

The message was read and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, the following Senate bills, viz:

An Act to authorize the Mayor and Common Council of the City of Sacramento to levy and collect a Special Tax for the redemption of the Bonds of said City;

An Act for the relief of Carlos Isarda, and have amended the same, as therein shown; also,

Senate Joint Resolutions in relation to the Nebraska Bill introduced into the Senate of the United States on the 23d of January, 1854; and,

Senate Concurrent Resolution creating a Joint Committee of the Committees of both Houses on Mines and Mining Interests.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

The amendment of Assembly to Senate Bill for An Act for the relief of Carlos Isarda, was concurred in.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Act, viz:

An Act relative to transferring Actions and Proceedings from one Court to another Court.

SAM. B. SMITH,
Chairman.

Mr. Colby gave notice that he would, on to-morrow, introduce a bill to create a Superior Court in and for the County of Sacramento, and to define the jurisdiction of said Court.

Mr. May gave notice that he would, on to-morrow, introduce a bill for An Act to authorize John Caruthers to build and construct a Turnpike or Gravel Road from the City of Stockton to the towns of Sonora and Columbia in Tuolumne County.

On motion of Mr. Catlin, Senate Bill for An Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853, so as to make the same applicable to the Incorporation of Transportation Companies, was taken from the table, and the amendment of the Committee concurred in.

On motion of Mr. Catlin, the words "and to none others," at the close of the first section, were stricken out.

The bill was then read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Hager, Sprague and Keene, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Hudspeth, Kendall, Moore, Peck, Smith, Stebbins and Wade—13.

NAYS.

Messrs. Hagar, Hook, Livermore, Lyons, Mahoney and Sprague—6.

The following message was received from the Assembly:

Mr. President:

I am directed to invite the Senate to meet in the hall of the Assembly, forthwith, to go into the election of State Printer, as per Resolution of the two Houses.

B. McALPIN, Clerk.

The Senate then proceeded to the hall of the Assembly.

IN CONVENTION.

The Convention was called to order by the President, who stated the object of the Convention.

The President appointed as Teller, on the part of the Senate, Mr. Hook.

The Speaker appointed as Teller, on the part of the Assembly, Mr. Hoff.

Mr. O'Neill nominated B. B. Redding.

Those who voted for Mr. Redding, were Messrs. Bryan, Coffroth, Colby, Gardner, De La Guerra, Hagar, Hall, Hook, Keene, Leake, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle and Whiting of the Senate; and Messrs. Anderson, Ashley, Bagley, Ballou, Bost-

wick, Braford, Briggs, Carr, Clingan, Conness, Dannels, Dawley, Fairfield, French, Gilbert, Goddard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmade, Tivy, Van Cleft, Whipple and Mr. Speaker—76.

Mr. Watkins voted for Mr. Washington.

Mr. Redding having received a majority of all the votes cast, the President declared him duly elected State Printer.

The object for which the Convention had met being accomplished, the President declared it adjourned *sine die*, and the Senate withdrew.

IN SENATE.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined, and find correctly engrossed, Senate Bill for An Act to provide Revenue for the Support of the Government of this State.

CHARLES A. TUTTLE,
Chairman.

On motion of Mr. Tuttle, the bill for An Act to provide Revenue for the Support of the Government of this State, was read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Tuttle, Coffroth and Keene, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, De La Guerra, Hall, Hook, Hudspeth, Keene, Lent, Lyons, Mahoney, May, McFarland, Sawyer, Sprague, Wade and Walkup—17.

NAYS.

Messrs. Coffroth, Hagar, Livermore, Moore, Tuttle and Whiting.—6.

Mr. May moved to re-consider the vote by which Assembly Bill for An Act to fund that portion of the Debt of Trinity County, accruing previous to the 12th of May, 1853, apportioned to Humboldt County, and provide for the Payment thereof, was passed.

The third reading was also re-considered; and,

On motion of Mr. Wade, the bill was referred to Mr. May.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined, and find correctly engrossed, An Act prescribing the Manner of Commencing and Maintaining Suits by or against Counties; also,

An Act fixing the Age of Majority of Males and Females in this State; and,

An Act to authorize the Comptroller to issue Duplicate Warrants.

CHAS. A. TUTTLE,
Chairman.

Assembly Concurrent Resolution, instructing the Attorney-General to compel Delivery of Books, Papers, &c., by the late Surveyor-General to his successor in office, was taken from the table.

Mr. Crabb moved to amend by inserting after the word "General" the words "his, heirs, executors, administrators or assigns," which was agreed to, and the resolution was adopted.

On motion of Mr. Lent, Senate Concurrent Resolutions of Instruction to Senators and Representatives in Congress, in relation to refunding of Duties on Goods destroyed by fires, was taken from the table.

Mr. Crabb moved to amend by inserting after the word "San Francisco," the words, "and other ports of entry," which was agreed to, and the resolutions were adopted.

On motion of Mr. Whiting, Senate Bill for An Act to provide for the Selection of Lands donated by the United States to the State of California for the support of Common Schools, and for the erection of Public Buildings, was taken from the table.

Mr. Walkup in the chair.

On motion of Mr. Lent, the Senate adjourned.

SAM. PURDY
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

FRIDAY, May 5, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Sawyer presented a petition of J. Judson Ames and others, relative to the Charter of a Telegraph Company, and bill for An Act to provide for the Construction of a Telegraph Line between the Port of San Diego and the Port of San Francisco.

Read a first and second time, and with the petition, was referred to the Committee on Corporations.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Joint Resolutions of Commonwealth of Massachusetts, relative to Cheap Ocean Postage, with a Concurrent Resolution on the same subject.

The resolution was read and adopted.

Mr. De La Guerra, Chairman of Special Committee, reported back Assembly Bill for An Act to amend an Act to Regulate Rodeos, approved April 30, 1851, recommending its indefinite postponement; and,

An Act concerning Estray Animals, without recommendation.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back a bill for An Act to pruvent Fraud in the sale of Flour, with an amendment, recommending its immediate passage.

Mr. Walkup, Chairman of the Committee on Claims, submitted the following report:

Mr. President:

The Committee on Claims, to whom was referred the petitions and claims of A. M. Winn, S. M. Miles, James S. Martin, Charles N. Hall, Wm. McNiees, T. S. Bennoist and James White, having had the same under consideration, beg leave to submit the following report:

The claim of Gen. A. M. Winn is for moneys expended in 1849 and 1850, at Sacramento City, in relieving the Indigent Sick and the Suffering Poor, congregated at that point, and in burying the dead. The claimant, at the period mentioned, was President of the Council, a body chosen by the people of the city, Aug. 1, 1849, for their government. The Council had no means nor no power by which to enforce public order, or to provide against the extraordinary exigencies of the times. The prostrate physical condition of the newly arrived immigrants, and their general destitution, caused by the privations and hardships of their journey to the country, made them an easy prey to disease and death.

The setting in of a disastrous winter, accompanied by the horrors of the inundation of a city composed of tents and cotton houses, rendered the condition of a large portion of the population truly pitiable.

During this period, those of the citizens, whose benevolent hearts prompted, and whose circumstances enabled them to do it, came forward and performed the duties which humanity demanded of them; duties which, no doubt, would, in a great measure, have devolved on a State or municipal government, had there been one in existence at the time: duties, which, it may, perhaps, be said, should have been, to some extent, assumed by the agents of the General Government, at that time holding the reins of authority, and having an abundance of means at their command, especially, as formal application for such assistance was made to Gen. Riley, by agents commissioned by the people of the city for that purpose.

The claimant, on account of his public position as President of a Council which had no authority to collect public moneys, and from his ready and active benevolence was most prominent in supplying the Indigent Sick with relief, and the dead with decent interment, relying upon the informal government, of which he was the chief, assuming a form which would enable it to reimburse him for the outlay which he felt it to be his duty to make, as well for the honor and character of the authority which he represented, as his own character as a humane and public spirited citizen. On the thirteenth day of October, 1849, the people of the City assembled and adopted a new charter, conferring greater authority upon the Council for the purpose of maintaining public order and security. Subsequently, the Legislature, on the 27th day of February, 1850, chartered the City of Sacramento, and authorized it to audit and settle all the accounts contracted under what was known as the People's Charter, being the one above referred to as having been adopted on the 13th day of October, 1849.

Under this Charter the City of Sacramento settled the accounts of Gen. Winn for services of the nature abovementioned, accruing after the date of the adoption of the so called "People's Charter." The accounts, prior to that date, have never been paid, and constitute the claim now presented to the State. These accounts amount to $13,671 60. Four years' interest at 10 per cent. per annum, being claimed, makes the claim in the aggregate amount to the sum of $19,140 24.

Your Committee, after carefully examining the subject, are unanimously of the opinion, that it does not fall within the scope of legislative authority or duty to appropriate money for the payment of this claim. If we could believe that the State should reward the noble actions and generous deeds of its citizens by the appropriation of money, the present claim would be conclusively established. We cannot perceive a sufficient connection between the official character of the claimant as President of the first Council and the State Government, to give the claim the semblance of having its foundation in public authority: the acts of this body were not recognized or indorsed by the Legislature when it chartered the City of Sacramento, and we can see no reason why they should be recognized this day. So the claim stands on the single ground of an appeal to the State, to reimburse the claimant for his charities dispensed under the circumstances we have stated.

The claim of S. M. Miles consists of two items or charges, as follows:

Cash expended in the purchase of merchandise, clothing, provisions, &c., for the sick and distressed of California in the fall and winter of 1849, and during the year 1850, in the cities of Sacramento, Marysville and the surrounding districts, and for which no compensation has been received,	$3,050 00
For medical services, and medicines furnished during the same period to the same class of persons,	2,000 00
	$5,050 00

The claimant, at the time of the dispensation of these charities, was a practising physician and surgeon, and was a member of the Council of Sacramento City.

The Committee can find no difference in the character of this claim and that of Gen. Winn. It does not appear at what particular date these expenditures were made. Dr. Miles was chosen a member of the Council, November 24, 1849, after the adoption of the People's Charter, and if these expenditures were made at that time, the Council had the power to settle them, if they considered them properly chargeable to them.

The claim of James S. Martin is for the sum of $22,440 27, and may be readily understood by the examination of the following bill, the same being for the cost, maintenance and charges of a private hospital, kept at Sutter's Fort in 1849.

First cost of Hospital,		$5,500 00
Expenses incidental thereto and improvements,		5,270 19
Stewards' and Cooks' wages,		1,834 68
Medicine,		1,122 90
Assistant Physician,		1,000 00
Amount of debts due Hospital,		16,396 50
Total,		$31,124 27
Amount of cash received,	$4,948 00	
Sacramento City Bonds,	3,736 00	
		$8,684 00
Balance due,		$22,240 27

The Hospital was a private enterprise, but, no doubt, served to relieve many who would have been charges upon the State, had there been one at the time. Charges against such patients as were sent to it by the City of Sacramento were paid by that city, as appears by one of the credits in the bill. The claimant neglected to place to the credit of the State an account of proceeds of his disposition of the Hospital and its effects, which originally cost $10,770 19, and which, it is presumed, would be a fair offset against a portion of the $16,396 50 of bad debts transferred to the State. But the Committee have not inquired into the value of the uncollected book accounts against the patients, or what became of the Hospital, believing such investigation unnecessary, for the reason that they were unanimously of the opinion, that it would be improper for the State to compensate individuals for losses in their business, even though the business should have partaken somewhat, in its nature, of a public benefaction.

The claim of Charles N. Hall is for moneys expended, provisions and other

necessaries distributed, and services rendered in relieving the overland immigration of 1850, and amounts to the sum of $21,924 45, $5,377 67 of which sum is for interest at the rate of ten per cent. per annum.

The evidence before the Committee shows, that the claimant was one of numerous traders, who went to meet the immigrants at Carson Valley, in 1850, for the purpose of traffic; that on account of the utter destitution of many of the immigrants, he furnished them provisions free of charge, and rendered the sick and feeble assistance in various ways. The evidence before the Committee does not enable them to determine, whether, in consequence of the charities thus generously bestowed, the claimant made or lost money by his expedition. If we were of the opinion that an appropriation should be made to pay for services and claims of this kind, we should require evidence more pointed, accounts more particular, and testimony more disinterested than that presented, before we could ascertain and liquidate the amount justly due the claimant. This claim has been presented to the Legislatures of 1851 and 1852 without success, except that in 1851, a Joint Resolution passed, recommending Congress to settle the claim, without, however, naming the amount.

If claims of this kind should meet the approbation of the Legislature, it would be impossible to estimate the amount yet to be presented. The misfortunes which the traders of 1850 met with in dealing with the immigration, are, in no view of the case, proper subjects for legislative relief. The first of these traders who met the immigration while they yet had the means to purchase flour at two dollars per pound, in all probability, made large profits; others, who came later, and met an immigration exhausted by famine and crippled by the loss of their animals, were far less fortunate. The traders generally sold upon credit, and gave to those who were unable to pay, when their wants were such as to appeal directly to their compassion. The losses which they thus sustained it would be very difficult to ascertain, and we think, improper, if ascertained, for the State to relieve.

The claim of Wm. McNiees amounts to $17,630 62, and is of the same nature as that of C. N. Hall, for relief afforded the same immigration. The claimant left Sacramento City on the 4th of July, 1850, with forty mules packed with provisions and other articles, designed for trade with the immigrants; was absent about two months, and returned safely with all his animals, but had realized only about $1400 in cash, which barely covered the original cost of the provisions, &c., in Sacramento City. The claimant relieved, by free distribution of his abundant store, many who were suffering. After his return to Sacramento, he forwarded to Carson Valley a load of provisions, from which he realized even less successfully than before. The claimant's idea of the claim may be understood by the following, which is the closing paragraph of his petition:

"Previous to the session of 1853, I had always doubted the propriety of the State paying for this kind of service, or calling on the State for remuneration. As the Legislature saw proper to assume and pay, I consider my claim equally as just as any other."

The claim of T. S. Bennoist is for $9,000, and is of the same character as those of Messrs. Hall and McNiees, being for assistance rendered to the same immigration. No bill of items is furnished; but the fact that the claimant rendered assistance to his fellow immigrants, (he having emigrated that year himself,) is certified by several of his traveling companions, some of them the recipients of his bounty. The following, a copy of the claimant's memorial, will explain the nature of the claim:

"Your memorialist, T. S. Bennoist, a citizen of California, would represent, that in the year 1850, he expended nine thousand dollars for the relief of sick and indigent immigrants; that this expenditure was made at the time for charity's sake, when your memorialist could not reasonably anticipate remuneration,

observing, that the enlightened sense of justice characterizing the previous legislation of this State, has afforded some protection to those whose circumstances enabled them to bestow large charities to distressed immigrants to this country. Your memorialist would offer, in proof of his demand, the accompanying papers and evidence, and ask such relief as your wisdom and justice may award him."

The claim of James White is for such an amount as our liberal discretion may recommend, and may be best understood by reading the following copy of his petition:

"Your petitioner would most respectfully represent, that in emigrating to this country in '49, he (among some eight Germans which he fell in with) was overtaken by the snows on the Lawson route, on or about the 28th day of October, just as he was ascending the mountains out of Pitt River Valley; being then out of provisions, he, nevertheless, made the Sacramento Valley alone; on the last day of December or first of January, '50, having been out about sixty-five days, during the whole of which period he subsisted on the putrid flesh of horses, mules and cattle, the dead carcasses of emigrant stock, which were to be found in great numbers along the road, when it could be traced at all, but oftentimes found himself and party wandering over snow ten to twenty feet deep, without the slightest means of subsistence; then striking the road again, he would feast upon those carcasses. Indeed, every thing in the shape of food was experimented upon and relished—garden seeds, candles, rawhide snow-shoes, after they had given out, &c., &c. The incidents and results we will not dwell upon, however. A majority of his party (which had agmented to twelve or thirteen) perished, while he most miraculously escaped, having been frozen and frosted from the toes to the knees, at an early day of the disaster, so that the flesh came out in holes, requiring nearly the whole of his first year in but partially recovering from, besides being otherwise injured in his person, so far as to despair of ever regaining a permanent recovery. From the effects of this alone, then, he would be rendered disabled; but, again, an entirely unjustifiable assault was made upon him at one of the Courts of Nevada City, in the spring of '51, intended, perhaps, at first, to have been inflicted on another person, which resulted in such serious injury to your petitioner, about the head, spine, side and right shoulder, that nearly another whole year of his time was required in recovering from it, leaving him disabled in a great degree in the right arm—the collar bone never having been put in its proper place. And now, again, about five months since, after having met with pecuniary loss by horse thieves to nearly the full extent of that which he had accumulated, in the meantime unfortunately had his left arm fractured and dislocated at the elbow, by the falling off his horse; and, although broken over in the meanwhile, and adjusted at the State Marine Hospital, as was thought, is now discovered to be crooked and stiff in the elbow joint, at about the angle at which it was in the sling. Now your petitioner has always felt that the General Government ought to make him reparation to some extent; and much more so now, that he has been visited with such insurmountable distresses, inasmuch as his first calamity was alone the result of a destruction of his provisions, the robbery of his blankets, fire-arms, ammunition, etc., at what is known as "Fandango Valley," beyond Goose Lake, by one Patterson, and an accomplice called Henry, connected and traveling with a detached party of Captain Morris' Government train, under the guidance of Gen. Wilson, which your petitioner alleges was done, causing such delay to him and his party, as to render it impossible to reach Capt. Phelps' relief train. At the same time, he is not to be understood as wishing to attach odium to either of those officers—the former being on the other route, and having no knowledge of the occurrence; while the latter may have been prevented from affording the proper relief at the time by the incumbrance of his family, and loss of a portion of mules by the Indians at that place. Respectfully, JAMES WHITE."

Your Committee have merely described the nature of the claims without intending to review the very many reasons why such claims should not be allowed. They are so obviously apparent as to require no argument or explanation. We have thought it but just to the claimants, to afford them no encouragement, but to make our denial as emphatic as possible, with the view of saving them from the waste of time and money incurred in constantly pressing their claims upon the attention of the Legislature.

We therefore respectfully recommend that each and all of the above claims be refused, and ask to be discharged from the further consideration of the subject.

JOS. WALKUP,
WM. M. LENT,
A. P. CATLIN.

Mr. Hagar submitted the following report:

Mr. President:

The majority of the Committee on the Judiciary, have had under consideration, Senate Bill, No. 128, for An Act to establish Steam Ferriage on the Bay of San Francisco, so as to increase the Revenue of the State, and render San Antonio Creek navigable, and recommend the same be indefinitely postponed.

Respectfully submitted.

JOHN S. HAGAR,
Chairman.
A. P. CATLIN,
J. W. COFFROTH,
HENRY A. CRABB,
SAM. B. SMITH.

Mr. Whiting submitted the following report:

Mr. President:

We, the undersigned, members of the Judiciary Committee, report back the bill for An Act entitled an Act to establish Steam Ferriage on the Bay of San Francisco, so as to increase the Revenues of the State, and render San Antonio Creek navigable, with the following amendments, and recommend its passage as amended:

1. Strike out the words "so as to increase the Revenues of the State," in the title.
2. Strike out "fifteen," wherever it occurs in the bill, and insert "ten."
3. In section two, lines two and three, strike out "one thousand," and insert "seven hundred and fifty;" and after the word "month," insert "and to the Treasurer of the County of San Francisco, and the Treasurer of the County of Alameda, each two hundred and fifty dollars per month."
4. At the end of section three, insert the following, viz: "for the first two years and thereafter, not more than four dollars per ton, for freight and merchandise, and not more than forty-five cents for passengers the third year, and a like deduction of ten per cent. each and every year thereafter."
5. In section four, line three, strike out the word "five," and insert "two."

B. C. WHITING,
G. D. HALL,
C. H. BRYAN.

Mr. Hagar submitted the following report:

Mr. President:

The undersigned, the majority of the Committee on the Judiciary, have considered Assembly Bill, No. 85, entitled An Act for the Protection of Settlers, made certain amendments thereto, and report back said bill and amendments for the consideration of the Senate. The Committee have not been able to agree upon any definite recommendation.

JOHN S. HAGAR,
Chairman.
R. T. SPRAGUE,
S. B. SMITH,
A. P. CATLIN,
G. D. HALL,
B. C. WHITING.

The Committee also report back Senate Bill, No. 20, for An Act to encourage the Settlement and secure Improvements on Wild and Unoccupied Lands, without any recommendation, and ask to be discharged.

JOHN S. HAGAR,
Chairman.

The report was accepted, and the Committee was discharged.

Mr. Coffroth submitted the following report:

Mr. President:

The undersigned, of the Judiciary Committee, have had under consideration, Assembly Bill An Act for the Protection of Settlers, and report the same back without amendment, for the early and favorable consideration of the Senate.

J. W. COFFROTH,
C. H. BRYAN,
R. T. SPRAGUE,

The undersigned, member of above Committee, reports back the Senate Bill on the same subject, and recommends it to the favorable consideration of the Senate, and with a few immaterial amendments, would recommend its passage.

HENRY A. CRABB.

Mr. Livermore of the Committee on Counties and County Boundaries, reported back Assembly Bill, No. 234, recommending its indefinite postponement.

Mr. Hagar submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred Senate Bills 21, 41, 60 and 171, amending the Act to regulate proceedings in Civil Cases, report

the same back, with amendments to Senate Bill 21, and recommend that this bill be passed, and the others indefinitely postponed.

JOHN S. HAGAR,
Chairman.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Senate Bill, No. 182, recommending its passage.

Mr. Hagar, Chairman of the Judiciary Committee, reported back Assembly Bill, No. 12, recommending its indefinite postponement.

Mr. Smith, Chairman of the Committee, to whom was referred Assembly Bill for An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco, reported it back, recommending that the sixth line of section thirty be amended, by inserting the words "incoming vessels of eighteen feet and over $12," and thus amended, the bill be passed.

Mr. Coffroth submitted the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred Assembly Bill, No. 130, for An Act authorizing persons to Erect Dams across Streams not Declared Navigable, report the same back, and recommend its adoption, with amendments inclosed.

JAMES W. COFFROTH,
SAM. B. SMITH,
B. C. WHITING,
C. H. BRYAN,
R. T. SPRAGUE,
A. P. CATLIN,
D. G. HALL.

Mr. Keene, Chairman of the Committee on Public Lands, reported back Assembly Bill for An Act to amend section seventh of an Act entitled an Act concerning the Office of Surveyor-General, recommending its passage.

Mr. Crenshaw, of the Joint Committee of Senate and Assembly, reported back a bill for An Act to provide for the Incorporation of Canal Companies for Navigation, and not for Mining purposes, with sundry amendments.

Mr. Walkup, Chairman of the Committee on Claims, reported back Senate Resolution, to pay witnesses who appeared before the Select Committee on the Leidesdorff Estate, recommending its adoption.

The resolution was adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1854.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit the original copy of a highly interesting report of Professor Trask, in relation to the Geology of the Coast Moun-

tains, and part of the Sierra Nevada, embracing their Industrial Resources in Agriculture and Mining.

It is proper to state, in this connection, that Professor Trask has been thorough in his researches, and has collected a vast amount of information useful to the whole people of the State, in relation to the Coast Range and Sierra Nevada, which, if generally circulated, cannot fail to attract to our shores from other States of the Union, thousands of worthy, industrious and enterprising citizens.

The report is accompanied with drawings of some of the principal mines in this State, and as it would require more time than can now be devoted to it in this office to prepare copies of these drawings, I have found it necessary to send the original copy of the report and drawings to the Senate.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, the following bills:

An Act for the relief of John Skinker, and others;

An Act to change the Name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company;

An Act to repeal an Act entitled an Act to provide for the Measurement of Lumber;

An Act to authorize the Court of Sessions of the County of Colusi to levy a Special Tax to build a Court House and Jail;

An Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851;

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853;

An Act concerning Corporations;

An Act Incorporating a State Agricultural Society, and appropriating Money for its Support; and,

An Act to amend an Act to authorize the Formation of Corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

The following message was also received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Bill, No. 149, An Act granting to the Electors of Calaveras County the privilege to vote for or against a Division of said County, and organize the County of Washington, and have amended the same, as therein shown.

They also passed the following Assembly Bills:

An Act to prevent Changing the Names of Ships, Vessels and Steamboats;

An Act for the relief of Powell Weaver; and,

A Substitute for Senate Joint Resolution in reference to Claims of Citizens of California for Damages, by the action of the U. S. Indian Commissioners.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

On motion of Mr. Sawyer, Senate Bill, No. 149, with the amendments of the Assembly, was referred to the delegations from Calaveras and El Dorado.

Assembly Bill, No. 329, for An Act for the relief of Powell Weaver, was read a first and second time, and referred to the Committee on Claims.

Assembly Bill, No. 287, for An Act to prevent Changing the Names of Ships, Vessels and Steamboats, was read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 315, for An Act to Incorporate a State Agricultural Society, and appropriate Money for its Support, was read a first and second time, and referred to the Committee on Agriculture.

Assembly Bill, No. 301, for An Act to amend an Act to authorize the Formation of Corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853, was read a first and second time, and referred to the Committee on Roads and Highways.

On motion of Mr. McFarland, three thousand copies of the Geological Report was ordered printed, and the report was referred to the Committee on Mines and Mining Interests.

Assembly Bill, No. 295, for An Act concerning Corporations, was read a first and second time, and referred to the Committee on Corporations.

Assembly Bill, No. 302, for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853, was read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 236, for An Act for the relief of John Skinker and others, was read a first and second time, and referred to the Committee on Claims.

Assembly Bill, No. 308, for An Act to change the Name of the Sutter, Jackson and Drytown Water and Mining Company, to that of the Jackson Water Company, was read a first and second time, and referred to the Calaveras Delegation.

Assembly Bill, No. 321, for An Act to authorize the Court of Sessions of the County of Colusi to levy a Special Tax to build a Court House and Jail, was read a first and second time, and referred to Mr. Sprague.

Assembly Bill, No. 179, for An Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851, was read a first and second time, and referred to Messrs. Smith, Sprague and Peck.

Assembly Bill, No. 44, for An Act to repeal an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853, was read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Joint Resolution, in reference to the action of the U. S. Indian Commissioners in this State, was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. Colby submitted the following report:

Mr. President:

The Committee on Roads and Highways have had under consideration the petition of James Golden, praying for a charter for a bridge over Yuba River, and report the same back with a bill, for which they ask the favorable consideration of the Senate; also,

A bill and petition for a Road across the Sierra Nevada, near the Carson route.

G. W. COLBY,
SAM. B. SMITH.

Leave being granted, Mr. Mahoney introduced a bill for An Act to amend an Act concerning the Per Diem of Officers of the Senate and Assembly, passed January 21, 1854; which was read a first and second time, and referred to the Committee on Public Expenditures.

Leave being granted, Mr. Hagar introduced a bill for An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853; which was read a first and second time, and referred to the Committee on Corporations.

According to previous notice, Mr. May introduced a bill for An Act authorizing John Caruthers to build and construct a Turnpike or Gravel Road from the City of Stockton to the Towns of Sonora and Columbia in Tuolumne County; which was read a first and second time, and referred to the delegations from San Joaquin, Calaveras and Tuolumne Counties.

A report of the State Prison Inspectors was presented, and referred to the Committee on State Prison.

Leave being granted, Mr. McGarry introduced a bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853; which was read a first and second time, and referred to the Judiciary Committee.

Mr. Sawyer submitted the following resolution, which was adopted:

Resolved, That the Judiciary Committee be requested to report to the Senate, to-morrow, a bill for An Act declaratory of the Tenure of Lands in the Mining Districts.

Leave being granted, Mr. Lent introduced a bill for An Act to grant to certain persons the right of using the Water Power of Mission Creek upon their own premises, which was read a first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Colby, Senate Bill for An Act to provide for the construction of a Canal from the Sacramento River, at the town of Sutter, to the mouth of the Slough, was taken from the table.

Mr. Livermore moved to lay the bill upon the table.

Lost.

Mr. Hagar moved to re-commit the bill with instructions to correct and bring it in, according to parliamentary rules.

Lost.

Mr. Hall in the chair.

The bill was considered as in Committee of the Whole.

After some time spent in the consideration thereof, it was reported back with sundry amendments.

The first and second amendments of the Committee were concurred in.

Mr. Wade moved to concur in the third amendment, which was to strike out in the eleventh section, the word "fifty" and insert "forty."

Mr. Hagar moved to amend the amendment of the Committee, by striking out "forty" and inserting "fifteen."

Mr. Crabb moved to amend by striking out "forty" and inserting "twenty."

The chair decided the amendments in order.

From which decision Mr. Tuttle appealed.

And the question being, "Shall the decision of the Chair stand as the judg-

ment of the Senate?" the ayes and nays were demanded by Messrs. Tuttle, Hagar and Lyons, and the following vote was had:

AYES.

Messrs. Crabb, Hagar, Hook, Livermore, Lyons, Moore, Peck, Sprague, Stebbins and Walkup—10.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Gardner, Grewell, Hudspeth, Smith, Tuttle, Wade and Whiting—11.

The vote being upon concurring with the Committee, the ayes and nays were demanded by Messrs. Hagar, Lyons and Tuttle, and it was concurred in by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Smith, Tuttle, Wade and Whiting—12.

NAYS.

Messrs. De La Guerra, Hagar, Hall, Hook, Livermore, Lyons, Moore, Peck, Sprague, Stebbins and Walkup—11.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act supplementary to an Act to Exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853;

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie;

An Act for a Special Term of the District Court in the County of Placer.

An Act to give Jurisdiction to the District Court, County Courts and Justices' Courts in Plumas County, in certain cases; and,

An Act to provide for the Erection of a Jail in the County of Monterey.

SAM. B. SMITH,
Chairman of Senate Committee.

Mr. Hagar moved to amend fifth section, by inserting in the third line after the word "fifty," the words "nor more than one hundred."

Upon which the ayes and nays were demanded by Messrs. Hagar, Wade and Peck, and it was adopted by the following vote:

AYES.

Messrs. Coffroth, Crabb, Gardner, Hagar, Hall, Hook, Livermore, Lyons, Mahoney, McFarland, Peck, Sprague, Stebbins and Walkup—14.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Grewell, Hudspeth, Smith, Tuttle, Wade and Whiting—10.

Mr. Hagar moved to strike out "forty" in the eleventh section and insert "twenty."

The Chair decided the amendment in order.

From which decision Mr. Tuttle appealed.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. Hagar, Coffroth and Smith, and it was overruled by the following vote:

AYES.

Messrs. Coffroth, Hagar, Hook, Keene, Livermore, Lyons, Mahoney, Moore and Peck—9.

NAYS.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Gardner, Smith, Sprague, Tuttle, Wade and Whiting—11.

Mr. Walkup moved to re-commit the bill to the Committee on Corporations, with instructions to strike out "forty years" and insert "twenty years," as the limitation of the grant.

Upon which the ayes and nays were demanded by Messrs. Livermore, Walkup and Hagar, and it was lost by the following vote:

AYES.

Messrs. Coffroth, Crabb, Hagar, Hall, Hook, Keene, Livermore, Lyons, Peck, Sprague, Stebbins and Walkup—12.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Gardner, Hudspeth, Lent, Mahoney, McFarland, Sawyer, Smith, Tuttle, Wade and Whiting—14.

Mr. Tuttle moved the previous question.

Sustained.

And the question being, "Shall the main question be now put?" the ayes and nays were demanded by Messrs. Hagar, Sprague and Livermore, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Crenshaw, Hudspeth, McFarland, Peck, Sawyer, Smith, Stebbins, Tuttle, Wade and Whiting—14.

NAYS.

Messrs. Coffroth, Gardner, Hagar, Hook, Keene, Livermore, Lyons, May, Sprague and Walkup—10.

On ordering the bill to a third reading, the ayes and nays were demanded by Messrs. Hook, Livermore and Sprague, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Hudspeth, Mahoney, Moore, McFarland, Sawyer, Smith, Stebbins, Tuttle, Wade and Whiting —16.

NAYS.

Messrs. Gardner, Hagar, Hall, Hook, Keene, Livermore, Lyons, May, Peck, Sprague and Walkup—11.

The bill was then read a third time.

Mr. Coffroth moved to recommit with instructions to strike out in the eleventh section, "forty" and insert "fifteen."

Mr. Walkup moved to lay the bill on the table.

Lost.

Mr. Tuttle moved the previous question.

Sustained.

The question being, "Shall the main question be now put?" it was decided in the affirmative.

The question being on the motion to recommit, the ayes and nays were demanded by Messrs. Lyons, Smith and Livermore, and it was lost by the followidg vote:

AYES.

Messrs. Coffroth, Crabb, Gardner, Hagar, Hall, Hook, Keene, Livermore, Lyons, Peck, Sprague, Stebbins and Walkup—13.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, Hudspeth, Lent, Mahoney, May, Sawyer, Smith, Tuttle, Wade and Whiting—13.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Lyons, Tuttle and Coffroth, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Hudspeth, Lent, Mahoney, Moore, Peck, Sawyer, Smith, Tuttle, Wade and Whiting—17.

NAYS.

Messrs. Hagar, Hall, Hook, Keene, Livermore, Lyons, May, Sprague, Stebbins and Walkup—10.

Mr. Coffroth gave notice, that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Walkup submitted the following:

Resolved, That the Secretary be authorized to hand the original report of Professor Trask to the Printer, to be returned.

Adopted.

On motion of Mr. Lent, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, May 6, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Sawyer reported back a bill for An Act granting to the Electors of Calaveras County the privilege to vote for or against a division of said County and organize the County of Washington, with the amendments of the Assembly, recommending that the amendments be concurred in.

Mr. Walkup, Chairman of the Committee on Claims, reported back resolutions to pay Thomas Hays and Alexander M. Schell for certified copies of papers relative to the Leidesdorff Estate, recommending its adoption.

The resolution was adopted.

Mr. Bryan, Chairman of the Committee on Indian Affairs, reported back Assembly Joint Resolutions in reference to the action of the U. S. Indian Commissioners in this State, substitute for Senate Resolutions No. 35.

Mr. De La Guerra, Chairman of the Committee on Agriculture, reported back Assembly Bill for An Act for the protection of Game, amended, as instructed by the Senate.

Mr. Sprague submitted the following report:

Mr. President:

The Finance Committee, to whom was referred Assembly Bill, No. 140, for An Act concerning the Office of Secretary of State, report the same back with an amendment and recommend its passage.

R. T. SPRAGUE,
Chairman.

Mr. Walkup submitted the following report:

Mr. President:

The Committee on Claims, to whom was referred the memorial of Cornelius Cole, have had the same under consideration, and, believing that the prayer of the petitioner should be granted, herewith report a bill for that purpose, the passage of which they respectively recommend.

JOS. WALKUP,
A. P. CATLIN.

Mr. Sawyer reported back a bill for An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company, to that of the Jackson Water Company, without amendment, recommending its passage.

Leave being granted, Mr. May introduced a bill for An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for purposes therein mentioned.

Read a first and second time, and referred to Mr. May.

Mr. Colby presented a petition of citizens of California in reference to Asiatic Foreigners.

Read and referred to the Committee on Federal Relations.

Mr. Coffroth submitted the following report:

Mr. President:

The Select Committee, consisting of the delegations from the Counties of Tuolumne, Calaveras and San Joaquin, have had under consideration, a bill for An Act authorizing John Caruthers to build and construct a Turnpike or Gravel Road from the City of Stockton to the towns of Sonora and Columbia, in the County of Tuolumne, report the same back with amendments, and recommend its adoption.

J. W. COFFROTH,
Of Select Committee.

Mr. Hall in the chair.

A bill for An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State.

Read a first and second time, and laid upon the table.

A bill for An Act allowing James Golden to collect Tolls, &c.

Read a first and second time, and laid upon the table.

A bill for An Act to authorize Jacob Drit and George S. Murdock, to construct a Wagon Road and to regulate the collection of Tolls thereon.

Read a first and second time, and laid upon the table.

Leave being granted, Mr. Coffroth introduced a bill for An Act to fix the Compensation of the Board of Supervisors of Tuolumne County.

Read a first, second and third time, and passed.

Mr. Lyons reported back a bill for An Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, recommending its passage.

Messrs. Sawyer and Hook, of the same Committee, reported, recommending the indefinite postponement of the bill.

Mr. Tuttle submitted the following report:

Mr. President:

The Committee on Engrossed Bills have examined and find correctly engrossed:

A bill for An Act to provide for Funding the Debt of Contra Costa County, for the Payment of the Interest thereon, and for the gradual Liquidation of the Debt.

CHAS. A. TUTTLE,
Chairman.

According to previous notice, Mr. Colby introduced a bill for An Act to create a Superior Court in and for the County of Sacramento, and to define the Duties and Jurisdiction of said Court.

Read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Smith, Assembly Bill, for An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, was taken from the table.

The amendment of the Committee was concurred in, and,

The bill was read a third time, and passed.

Mr. Tuttle declined acting upon the Joint Committee to examine the accounts of Public Printers.

Mr. Coffroth submitted the following:

Resolved, That the appendix to the Geological Report of 1854, containing diagrams, be stricken out and that the order for printing the same, passed May 5, be so amended.

Adopted.

On motion of Mr. Growell, Assembly Bill for An Act granting Joseph R. Beals and others, the right to construct a Toll-Bridge across the Pajaro River, was taken from the table.

On motion of Mr. Walkup, referred to the Committee on Corporations.

On motion of Mr. Crenshaw, a bill for An Act to authorize the Administrator of the Estate of Richard Lumpkins, deceased, to pay over the moneys of said Estate to James M. Waller, was taken from the table.

Read a third time, and passed.

On motion of Mr. Bryan, a bill for An Act to amend an Act entitled an Act declaring Certain Rivers and Creeks navigable, passed February 18, 1851, and to amend An Act amendatory thereto, passed May 17, 1853, was taken from the table.

The bill was read a third time, and passed.

On motion of Mr. Mahoney, a bill for An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853, was taken from the table, and considered as in Committee of the Whole.

After some time spent therein, the Committee rose and reported it back, with substitute reported by the Select Committee, with sundry amendments.

The bill being, temporarily, laid upon the table,

Mr. Sprague, Chairman of the Committee on Finance, reported back a bill for An Act appropriating money to defray the Expenses of the Government of this State from 1st July, 1853, to 22d March, 1854, with a substitute for the same, recommending the substitute to the favorable consideration of the Senate.

On motion of Mr. Sprague, 150 copies of the substitute were ordered printed.

Mr. Smith moved that the Senate adjourn.

Lost.

Mr. Coffroth moved to reconsider the vote of yesterday, by which a bill for An Act to provide for the construction of a Canal from the Sacramento River, at the town of Sutter, to the mouth of the Slough, was passed.

Agreed to.

On motion of Mr. Coffroth, the third reading of the bill was also reconsidered, considered, and the bill laid upon the table.

On motion of Mr. Sawyer, a bill for An Act granting to the Electors of Calaveras County the privilege to vote for or against a Division of said County,

and organize the County of Washington, was taken from the table, and the amendments of the Assembly concurred in.

The bill to provide for the Measurement of Lumber was again considered.

Mr. Smith moved that the Senate concur with the Committee in the adoption of the substitute.

The ayes and nays were demanded by Messrs. Keene, Hook and Catlin, and it was adopted by the following vote:

AYES.

Messrs. Catlin, Coffroth, Hall, Hook, Hudspeth, Lyons, Mahoney, Smith, Sprague, Stebbins, Wade and Whiting—12.

NAYS.

Messrs. Sawyer and Walkup—2.

No quorum voted; but a quorum being present, the Chair decided the substitute adopted.

The first and second amendments of the Committee of the Whole were concurred in.

Upon concurring in the third amendment, Mr. Walkup moved to amend the amendment, by adding at the close, "*Provided*, That the provisions of this Act shall not apply to any Lumber produced or manufactured within the limits of this State," which the Chair decided to be out of order.

From this decision, Mr. Walkup appealed, and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Catlin, Sawyer and Walkup, with the following result:

AYES.

Messrs. Coffroth, Livermore, Lyons, Mahoney, Smith, Tuttle and Whiting—7.

NAYS.

Messrs. Catlin, Hook, Keene, Lent, Sawyer, Sprague and Walkup—7.

No quorum voted; but a quorum being present, the President decided the decision of the Chair overruled.

The vote recurring upon the amendment of Mr. Walkup,

The ayes and nays were demanded by Messrs. Catlin, Hook and Walkup, and it was lost by the following vote:

AYES.

Messrs. Catlin, Colby, Hook, Hudspeth, Keene, Sawyer, Wade and Walkup —8.

NAYS.

Messrs. Hall, Livermore, Lyons, Mahoney, Smith, Sprague, Stebbins, Tuttle and Whiting—9.

No quorum voted; but a quorum being present, the Chair decided the amendment lost.

Mr. Catlin moved that the Senate adjourn.

Lost.

Mr. Smith offered the following substitute for the second section:

"A judgment recovered under the first section of this Act shall exist as a lien against the lumber, the unlawful sale of which has incurred such penalty and judgment."

Adopted.

Mr. Catlin submitted the following as section eight:

"Section 2 of said Act is amended so as to read as follows:

Sec. 2. The Measurer of Lumber may demand and receive for measuring boards and plank according to the superficial measure, fifty cents for every one thousand feet; and for shingles, twelve and one-half cents for every one thousand; and for sawed timber, twenty-five cents for every ton, consisting of forty cubical feet to the ton."

Mr. Sprague was appointed, in place of Mr. Tuttle, on the Committee to examine the Accounts of State Printer.

Mr. Wade moved that the Senate adjourn.

Lost.

Mr. Lyons in the chair.

Mr. Coffroth moved a call of the Senate.

Agreed to, and the roll being called, the following Senators were found absent:

Messrs. Bryan, Crabb, Crenshaw, Gardner, Grewell, Hagar, Kendall, Kurtz, Leake, May, Moore, McFarland, McGarry, Peck and Whiting.

Mr. Mahoney asked and obtained leave of absence for two days for Mr. Lent.

On motion of Mr. Tuttle, further proceedings under the call were dispensed with.

Mr. Smith moved to amend the amendment by striking out "fifty," and inserting "seventy-five."

The ayes and nays were demanded by Messrs. Smith, Catlin and Walkup, and the following vote was had:

AYES.

Messrs. Colby, Lyons, Smith and Tuttle—4.

NAYS.

Messrs. Catlin, Hook, Keene, Sprague, Stebbins, Wade and Walkup—7.

No quorum voting, but a quorum being present, the Chair decided the amendment lost.

The vote recurring upon the original amendment, the ayes and nays were demanded by Messrs. Keene, Hook and Catlin, and the following vote was had:

AYES.

Messrs. Catlin, Hook, Hudspeth, Keene and Wade—5.

NAYS.

Messrs. Colby, Hall, Livermore, Lyons, Mahoney, Smith, Sprague, Stebbins, Tuttle and Walkup—10.

No quorum voted; but a quorum being present, the Chair decided the motion lost.

Mr. Walkup gave notice that he would, on Monday, move to reconsider the vote just had.

Mr. Smith moved that the bill be engrossed, and read a third time now.

Mr. Mahoney moved the previous question.

Sustained.

The question being, "Shall the main question be now put?"

The ayes and nays were demanded by Messrs. Keene, Hook and Sawyer, and the following vote was had:

AYES.

Messrs. Colby, Hall, Hudspeth, Lyons, Mahoney, Smith, Sprague, Stebbins, Tuttle, and Whiting—10.

NAYS.

Messrs. Hook, Keene, Sawyer and Wade—4.

No quorum voted; but a quorum being present, the Chair decided the motion carried.

The question being on the third reading of the bill, the ayes and nays were demanded by Messrs. Catlin, Sawyer and Keene, and the following vote was had:

AYES.

Messrs. Colby, Hall, Hudspeth, Lyons, Mahoney, Smith, Sprague, Stebbins, Tuttle and Whiting—10.

NAYS.

Messrs. Catlin, Hook, Keene, Sawyer, Wade and Walkup—6.

No quorum voting, but a quorum being present, the Chair decided the motion carried.

The bill was read a third time.

Mr. Walkup moved to recommit the bill, with instructions to report the following as a substitute:

"An Act to repeal an Act to provide for the Measurement of Lumber.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The Act entitled an Act to provide for the Measurement of Lumber, approved April 30, 1853, is hereby repealed."

Upon the motion to recommit with instructions, the ayes and nays were demanded by Messrs. Catlin, Hook and Walkup, and the following vote was had:

AYES.

Messrs. Catlin, Hook, Keene, Sawyer, Wade and Walkup—6.

NAYS.

Messrs. Coffroth, Colby, Hall, Hudspeth, Lyons, Mahoney, Smith, Sprague, Stebbins, Tuttle and Whiting—11.

No quorum voted, but a quorum being present, the Chair decided the motion lost.

Mr. Stebbins moved the previous question.

Seconded.

And the question being, "Shall the main question be now put?" the ayes and nays were demanded by Messrs. Catlin, Hook and Hall, and the following vote was had:

AYES.

Messrs. Colby, Hall, Hudspeth, Lyons, Manoney, Smith, Sprague, Stebbins, Tuttle and Whiting—10.

NAYS.

Messrs. Catlin, Hook, Keene, Sawyer, Wade and Walkup—6.

No quorum voted, but a quorum being present, the Chair decided the question carried.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Sawyer, Keene and Hook, and it was passed by the following vote:

AYES.

Messrs. Colby, Hall, Hudspeth, Livermore, Lyons, Mahoney, May, Smith, Stebbins, Tuttle and Whiting—11.

NAYS.

Messrs. Bryan, Catlin, Coffroth, De La Guerra, Hook, Keene, Sawyer, Sprague, Wade and Walkup—10.

Mr. Mahoney moved to reconsider the vote just had.
Mr. Sawyer moved that the Senate adjourn.
Lost.
Mr. Stebbins moved to indefinitely postpone the motion to reconsider.
Mr. Catlin moved that the Senate adjourn.
Lost.
Mr. Mahoney moved a call of the Senate.
Agreed to; and the roll being called, the following Senators were found absent: Messrs. Crabb, Crenshaw, Gardner, Grewell, Hagar, Keene, Kendall, Kurfz, Leake, Moore, McFarland, McGarry and Peck.
On motion of Mr. May, further proceedings under the call were dispensed with.
Mr. Catlin moved to lay the motion to indefinitely postpone on the table.
Upon which the ayes and nays were demanded by Messrs. Wade, Sawyer and Keene, and the following vote was had:

AYES.

Messrs. De La Guerra, Hudspeth, Lyons, Sawyer and Wade—5.

NAYS.

Messrs. Colby, Hall, Keene, Livermore, Mahoney, May, Sawyer, Smith, Sprague, Stebbins, Tuttle and Whiting—12.

No quorum voted, but a quorum being present, the Chair decided the motion lost.
Mr. Walkup moved that the Senate adjourn.
Upon which the ayes and nays were demanded by Messrs. Walkup, Sawyer and Tuttle, and the following vote was had:

AYES.

Messrs. Catlin, De La Guerra, Hudspeth, Keene, Lyons, Wade and Walkup—7.

NAYS.

Messrs. Colby, Hall, Livermore, Mahoney, May, Smith, Sprague, Stebbins, Tuttle and Whiting—10.

Mr. Stebbins withdrew his motion to indefinitely postpone.

Mr. Catlin renewed the motion, and upon it, the ayes and nays were demanded by Messrs. Walkup, Keene and Smith, and the following vote was had:

AYES.

Messrs. Catlin, Colby, Hall, Mahoney, Smith, Sprague, Stebbins, Tuttle and Whiting—9.

NAYS.

Messrs. Lyons and Wade—2.

Mr. Catlin gave notice that he would, on Monday, move to reconsider the vote just had.

Leave being granted, Mr. De La Guerra, introduced a bill for An Act defining the Boundaries between the Counties of Santa Barbara and San Luis Obispo.

Read a first, second and third time, and passed.

On motion of Mr. Walkup, the Senate adjourned.

SAM. PURDY
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

MONDAY, May 8, 1854.

Senate met pursuant to adjournment.
President *pro tem.* in the chair.
Prayer by the Rev. Mr. Woods.
The Journal of Saturday was read and approved.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back the Special Message of the Governor, with Joint Resolutions of the Legislature of the Commonwealth of Pennsylvania, relative to old Soldiers, with ac-

companying Concurrent Resolutions in relation to the Soldiers of 1812, recommending their adoption.

On motion of Mr. Coffroth, the Resolutions were read and adopted.

Mr. Colby, Chairman of the Committee on Roads and Highways, reported back Assembly Bill for An Act to amend an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853, recommending its passage.

Mr. Catlin submitted the following report:

Mr. President:

The Committee on Claims to whom was referred Senate Bill, 174, for An Act entitled an Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County, having had the same under consideration, recommend the passage of the bill with the following amendment:

Strike out the words "fourteen thousand eight hundred and twenty-five and ninety-six hundredths," where they occur in each section, and insert the following words: "nine thousand eight hundred and twenty-five."

A. P. CATLIN.

The undersigned recommends that the bill be amended as follows:

Strike out the words "fourteen thousand eight hundred and twenty-five and ninety-six hundredths," where they occur, and insert "one thousand eight hundred and fifty."

JOS. WALKUP.

Mr. May, to whom was referred a bill for An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for purposes therein mentioned, report it back, recommending its passage.

Mr. Hagar presented a memorial of the Trustees of the State Marine Hospital.

Read and referred to the Committee on State Hospitals.

Mr. Walkup, Chairman of the Committee on Claims, reported Assembly Bill for An Act for the relief of John Skinker and others, with amendments, recommending its passage.

On motion of Mr. Walkup, the amendment of the Committee was concurred in.

The bill was read a third time, and passed.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported Joint Resolutions in relation to the Pacific Railway, substitute for Senate Resolutions on the same subject.

The substitute was adopted and read a third time, and passed.

Mr. Walkup, Chairman of the Committee on Claims, reported Assembly Bill for An Act for the relief of Powell Weaver, recommending its reference to the Committee on Indian Affairs.

The report was accepted, and the bill was so referred.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Joint Resolutions tendering the thanks of the Legislature to our Senators and Representatives in Congress, recommending their passage.

The Resolutions were read a third time, and passed.

Mr. Hagar submitted the following report:

Mr. President:

The undersigned of the Special Committee, to whom was referred Assembly Bill, No. 174, report the same back with an amendment, and recommend it be passed as amended.

JOHN S. HAGAR.

Mr. Coffroth submitted the following:

Mr. President:

A majority of the Committee to whom was referred a Bill, No. 174, to better define the boundaries between Marin and San Francisco Counties, report the same back and recommend its adoption as it passed the Assembly.

J. W. COFFROTH,
J. M. HUDSPETH.

Leave being granted, Mr. May introduced a bill for An Act supplementary to an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853.

Read a first and second time, and referred to the Committee on Counties and County Boundaries.

A report of the Commissioners appointed under An Act to provide for the erection of a State Prison.

Read and referred to the Committee on State Prison, &c.

On motion of Mr. Bryan, a bill for An Act concerning Public Ferries and Toll-Bridges, was taken from the table.

Mr Tuttle moved to amend the second section by adding: "*provided*, they shall not have the power to license Bridges across navigable waters."

Agreed to.

The substitute of the Committee on Finance, as section four, was adopted.

On motion of Mr. Hagar, the words "or Ferries on the Bays of this State where they are now prohibited by law," were added to the first section.

Mr. Tuttle moved to amend section six, by striking out the word "two," and inserting "one."

Lost.

On motion of Mr. Wade, the eighth section was stricken out.

Mr. Tuttle moved to amend section eight, by inserting in the fifth line, after the word "State," the following: "except such as are by section two of this Act exempted."

Agreed to.

Mr. Sawyer moved to amend the tenth section, by striking out all after the word "appropriated," and inserting, "by the person or persons obtaining the license for the establishment of such ferry."

Agreed to.

Mr. Sawyer moved to amend the twelfth section by inserting in the fifth line, after the word "that," the words "publication has been made in the county paper, if one be published, and that."

Adopted.

On motion of Mr. Catlin, the twenty-fourth section was stricken out.

Mr. Wade in the chair.

Mr. Bryan moved to amend the third section, by inserting in the eleventh line, after the word "term," the words "and in no case to exceed five per cent. of the actual receipts, as appears by affidavit of the owner or owners of said Bridge or Ferry."

Lost.

Mr. Sprague moved to amend the first section, by substituting for the last clause, as amended, the words, "but nothing in this Act contained, shall be construed to authorize the granting of any license to keep a public Ferry or Toll-Bridge across or over the Bays of San Pablo, Suisun, San Francisco, or Monterey, and the navigation of said bays; and the transportation of freight or passengers across, through and over the same, shall be free and exempt from the restriction of any ferry laws now in force in this State; *provided*, that nothing in this section shall affect any ferry now established or that may be hereafter established on the Straits of Carquinez between Mare Island and Navy Point.

The amendment was adopted.

The bill was ordered engrossed and read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs, Tuttle, Sawyer and Bryan, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crenshaw, Grewell, Hall, Hook, Kurtz, May, McGarry, Sawyer, Sprague, Stebbins, Wade and Whiting—15.

NAYS.

Messrs. Coffroth, De La Guerra and Tuttle—3.

On motion of Mr. Catlin, a bill for An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State, was taken from the table, and read a third time, and passed.

On motion of Mr. Coffroth, a bill for An Act authorizing John Caruthers to build and construct a Turnpike or Gravel Road from the City of Stockton to the Towns of Sonora and Columbia, in Tuolumne County, was taken from the table, and amendments of the Committee concurred in, and the bill was read a third time, and passed.

Leave being granted, Mr. Walkup introduced a bill for An Act to amend section 674, of an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read a first and second time, and laid upon the table.

On motion of Mr. Sawyer, a bill for An Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County, was taken from the table.

The amendments of the majority of the Committee were concurred in, and the bill was read a third time, and passed.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Sprague, May and McGarry, and it was passed by the following vote:

AYES.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Hall, Hudspeth, Leake, Mahoney, May, McGarry, Sawyer, Tuttle, Wade and Whiting—14.

NAYS.

Messrs. Hagar, Hook, Keene, Livermore, Sprague and Walkup—6.

Mr. Catlin moved to reconsider the vote of yesterday, by which a motion to reconsider the vote on the passage of a bill for An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853, was indefinitely postponed.

The Chair decided the motion in order.

From which decision Mr. Sprague appealed; and the question being:

"Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Catlin, Mahoney and Walkup, and the following vote was had:

AYES.

Messrs. Catlin, Colby, Grewell, De La Guerra, Hagar, Hook, Keene, McGarry and Walkup—9.

NAYS.

Messrs. Hall, Leake, Mahoney, May, Sprague, Stebbins, Tuttle and Whiting —8.

No quorum voting, but a quorum being present, the decision of the Chair was sustained.

Mr. Coffroth moved a call of the Senate.

Lost.

The vote recurring on the motion to reconsider the vote to indefinitely postpone, the ayes and nays were demanded by Messrs. Mahoney, Catlin and May, and the following vote was had:

AYES.

Messrs. Catlin, Grewell, De La Guerra, Hagar, Hook, Keene, Wade and Walkup—8.

NAYS.

Messrs. Colby, Hall, Mahoney, May, Sprague, Stebbins, Tuttle and Whiting —8.

No quorum voting, but a quorum being present, the Chair decided the motion lost.

Leave was granted Mr. Catlin to have his vote changed upon the passage of the bill.

On motion of Mr. Sprague, the Senate took a recess to 8 o'clock.

8 o'clock.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Mr. Wade moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Sprague, Coffroth and Hook, and it was lost by the following vote:

AYES.

Messrs. Kendall, McGarry and Wade—3.

NAYS.

Messrs. Coffroth, Crenshaw, Hook, Keene, Sawyer, Sprague, Walkup and Whiting—8.

Mr. Coffroth moved a call of the Senate.

Agreed to.

The roll being called, the following Senators were found absent:

Messrs. Bryan, Catlin, Colby, Crabb, Grewell, De La Guerra, Hagar, Hall, Hudspeth, Kurtz, Leake, Livermore, Lyons, Mahoney, May, Moore, McFarland, Peck, Smith, Stebbins, Tuttle and Wade.

Mr. Mahoney appeared and was admitted.

Mr. Catlin appeared and was admitted.

Mr. Catlin moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Wade and McGarry, and was lost by the following vote:

AYES.

Messrs. Catlin, Hagar, Keene and Kendall—4.

NAYS.

Messrs. Coffroth, Crenshaw, Hook, Mahoney, McGarry, Sawyer, Sprague, Wade, Walkup and Whiting—10.

Mr. Hagar moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Wade and McGarry, and it was carried by the following vote:

AYES.

Messrs. Catlin, Crenshaw, Hagar, Hook, Keene, Kendall, Mahoney and Sawyer—8.

NAYS.

Messrs. Coffroth, McGarry, Sprague, Wade, Walkup and Whiting—6.

So the Senate then adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

TUESDAY, May 9, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Kendall presented a petition of citizens of Sonora, in relation to amending the Charter of said City.

Read and referred to the Delegation from Tuolumne County.

Mr. Coffroth presented a remonstrance against the object of the above petition, which was similarly referred.

Mr. Hall, Chairman of the Committee on Military Affairs, reported back Assembly Bill for An Act concerning the Organization of the Militia, recommending its passage.

Mr. Lent, of the Committee on Claims, reported a bill for An Act to compensate the Los Angeles Rangers, recommending its passage.

Mr. Sprague, Chairman of the Committee on Finance, reported back Assembly Bill, No. 173, for An Act to provide for the Appointment of Deputy County Treasurers, recommending its passage;

Also, Assembly Bill, No. 168, for An Act to extend the time for the final

Settlement of the Collector of Butte County, recommending its indefinite postponement.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back Assembly Bill for An Act to Protect the Owners of Wood and Wood-Yards against the Illegal Acts of Steamboat Officers and Masters, recommending it to the favorable consideration of the Senate ;

Also, An Act to prevent changing the names of Ships, Vessels and Steamboats, recommending it to the favorable and immediate attention of the Senate; and,

An Act for the Protection of Persons owning Timber, Logs and Lumber Floating upon Waters, or carried upon adjoining Lands, with an amendment, recommending its passage.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back Assembly Bill, No. 177, for An Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11th, 1852, recommending its passage.

Mr. Sawyer, of same Committee, reported, recommending the indefinite postponement of the same bill.

Mr. Tuttle reported, as correctly engrossed, a bill for An Act to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.

Mr. Tuttle submitted the following report :

Mr. President :

The Select Committee of the Senate, to whom was referred the message, and accompanying documents of His Excellency, the Governor, in relation to the Leidesdorff Estate, respectfully report—

That from the testimony of witnesses, taken before the Committee, and from certified copies of papers procured by the Committee from the Clerk of the U. S. District Court for California, and the Clerk of the District Court of San Francisco, your Committee come to the following conclusions:

That W. A. Leidesdorff was a native of the Island of St. Croix, one of the Danish West India Islands, and emigrated to California sometime in the latter part of the year 1846, or early part of the year 1847. That said Leidesdorff continued to reside in California until the time of his decease, which occurred on the 18th day of May, A D., 1848. That said Leidesdorff died seized of a large amount of real estate, which he had acquired during his residence in California, both by purchase and by grants made to him by the Governors of California, while it was a Mexican State. Your Committee are further of opinion, that said Wm. A. Leidesdorff was an illegitimate son of one Anna Maria Sparks, a native of said Island of St. Croix, by one ——— Leidesdorff, who was a native of the Kingdom of Denmark, whence he emigrated to St. Croix; and that at the time of his decease, at San Francisco, his mother, A. M. Sparks, was still living at St. Croix, but his father had long since departed this life.

Soon after the decease of said Leidesdorff, who died intestate, had never been married, and left no children, either legitimate or illegitimate, and on the 5th day of June, A. D., 1848, John Townsend, First Alcalde of San Francisco, granted letters of administration on his estate to one Wm. D. M. Howard, but that on the 1st day of July, A. D., 1849, Gov. Riley made an order staying proceedings on the administration of the estate. In the month of August following, Gov. Riley appointed John W. Geary, First Alcalde of San Francisco; and, also, on

the 21st day of September, 1849, Gov. Riley issued a commission to William B. Almond, as Judge of the First Instance, with Civil Jurisdiction only for the District of San Francisco. On the 19th day of October, 1849, Gov. Riley issued an order stating, that, inasmuch as the legal tribunals, recognized by the existing laws of California, were fully in force, the order of July the 1st, 1849, staying proceedings on the administration of the estate, was revoked. There were now existing in the District of San Francisco, two Alcaldes; one, John W. Geary, criminal, and the other, Wm. B. Almond, having civil jurisdiction, and under the Mexican law, to the latter properly belonged all matter pertaining to the administration of the estates of deceased persons. Alcalde Geary, however, still continued to exercise jurisdiction in the matter of the Leidesdorff Estate, and appointed Appraisers who proceeded to estimate the value of the estate; and on the 17th of October, 1849, filed with Alcalde Geary their written appraisal, amounting to $637,864 85. In this appraisal, it may be well to state, was not included a claim to eight leagues of land on the American River, granted to said Wm. A. Leidesdorff by Micheltorena, Governor of California, and which claim, the Committee are informed, is now before the Commissioners for confirmation on a petition filed by Joseph L. Folsom.

After the appointment of said Howard as Administrator, it appears that Joseph L. Folsom visited the Island of St. Croix, and entered into negociation with the mother of deceased, and other persons there living, and of them made a purchase of the estate of the deceased, agreeing to pay therefor the sum of seventy-five thousand dollars, a portion of which was paid down. These negociations were terminated in the month of September, 1849, and resulted in the execution, on the part of the said Anna Maria Sparks and others, of a contract with said Folsom, to give him a deed in full of the estate, when the remainder of the money was paid, and of a Power of Attorney to him, to take full control and management of the estate. Folsom returned to California, and on the 20th of January, 1850, filed a petition before Alcalde Geary, asking to be put in possession of all the estate of the deceased.

On the 12th day of February following, Alcalde Geary made an order, discharging Howard, the Administrator, from his bond, and directing him to surrender all the property of deceased up to said Folsom. Howard, who had been in possession of the estate, and received the rents and profits of the same up to this period, complied with the order. Your Committee would here remark, that it appears from a paper, now of record in the office of the Clerk of the District Court of the County of San Francisco, signed by said Folsom; that he, Folsom, paid Alcalde Geary $10,000 for acting as Judge of Probate in said case. Folsom, immediately after the order made by said Geary, entered into possession of the estate, and has since received the rents and profits of the same. Subsequent to this time, and in the month of December, 1852, the mother of said Leidesdorff and other persons, claiming to be his heirs, residing in St. Croix, by Norton and McAllister, their Attorneys in fact, in San Francisco, executed to said Folsom, deeds to the whole of said estate.

Your Committee deem it unnecessary to refer to the different suits which have been instituted by the Public Administrator and others, in San Francisco, in relation to said estate, for those suits have either been discontinued or otherwise disposed of, so that there has been no adjudication by any legal tribunal upon the title of Folsom to the Leidesdorff property.

The property has greatly augmented in value since Leidesdorff's death. It comprises many of the most valuable lots in San Francisco, and from the best information the Committee can obtain, is now worth not less than one million five hundred thousand dollars, and yields an annual income, in rental, of more than two hundred thousand dollars.

By the Constitution of this State, article ninth, section second, the proceeds

of all estates of deceased persons, who have died without leaving a will or heir, shall be and remain a perpetual fund, the interest of which shall be inviolably appropriated to the support of Common Schools throughout the State. That Leidesdorff died without leaving a will or children, and without having been married, is admitted by all. The question to be determined then, is, could his mother, an alien, a subject of the King of Denmark, inherit? If he was illegitimate, which your Committee are of opinion can be substantiated by ample proof, she could not inherit, even though a citizen, for both by the Civil and Common Law an illegitimate child is incapable of inheriting as heir, nor can he have heirs but of his own body. Admitting all the laws of Mexico to have been in force in California, at the time of Leidesdorff's death, your Committee believe that they contained no provision, changing in this respect, the Civil or Common Law.

Again, admitting that Leidesdorff was born in wedlock, both his mother, and all those from whom Folsom professes to hold, are aliens, and by the Civil and Common Law, aliens cannot inherit, nor are your Committee aware that the laws of Mexico changed this rule of the Civil and Common Law. And even if an alien sell to a citizen, the right of forfeiture is not barred by the alienation, and it must be taken by the purchaser, subject to the right of the government to seize the land. The conveyance of an alien is only good as against himself, and the title is voidable by the State upon office found. There was no existing Treaty between Denmark and the United States, at the time of Leidesdorff's death, providing that the subjects of the King of Denmark, residing in his dominions, could inherit property in the United States, the same as citizens of this Republic. Folsom's only claim of title is from these pretended heirs, and if they were incapable of inheriting, it is evident his title is worthless, and the property belongs either to this State, or to the United States. To which of these, the escheated estate properly belongs, is a question for the legal tribunals to determine; and so far as California is concerned, it matters little which, for it is almost certain the U. S. would release the property to this State, if upon office being found, it was declared to belong to the General Government.

Your Committee are of opinion, that the presumption is so great in favor of the right of the State to this immense property, that immediate steps should be taken, before the proper legal tribunals, to have the question settled. Its present claimant has paid but a tithe of its real value, and, besides this, for more than four years, has been in the full receipt of the large income which it yields.

Your Committee, therefore, respectfully recommend the passage of An Act authorizing the Governor to employ Counsel to act in conjunction with the Attorney-General of the State, and the appropriation of a sum of money, as a contingent fund, to pay the necessary expenses of conducting the suit.

CHARLES A. TUTTLE,
Chairman.

B. C. WHITING,
C. H. BRYAN.

The accompanying bill, entitled An Act to appropriate money, and authorize the employment of Counsel to prosecute the right of the State to the Leidesdorff Estate, was read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. Sawyer introduced a bill for An Act to amend sections two and three of an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11, 1852.

Read a first and second time, and referred to the Committee on Finance.

Mr. Sprague submitted the following report:

Mr. President:

The undersigned, Special Committee, to whom was referred Assembly Bill, No. 321, for An Act to authorize the Court of Sessions of the County of Colusi to levy a Special Tax to build a Court House and Jail, has given the same his careful consideration, and reports that the tax of one per cent. upon all the taxable property of the county, for the purposes indicated in the bill, in addition to the State, County and Special Tax now authorized by law, would, under the circumstances, be oppressive and unjust to a majority of the tax payers of said county.

A law is now in force, authorizing the assessment and collection of a special tax of one-fourth of one per cent. for the purposes indicated in the bill, and the undersigned is unwilling to authorize any increase of the special tax, without the consent of a majority of the tax payers of the county. He, therefore, recommends the indefinite postponement of the bill.

R. T. SPRAGUE.

Leave being granted, Mr. Walkup introduced a bill for An Act to repeal sections seven, eight, nine and ten, of an Act concerning the Revenue, Funds, Expenditure and Property of the State, and management thereof, passed February 20, 1850.

Read a first and second time, and referred to the Committee on Finance.

Leave being granted, Mr. Sprague introduced a bill for An Act to fix the compensation of District Attorneys.

Read a first and second time, and referred to the Judiciary Committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 6, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to change the name of George Davenport to that of George Curtis Currie; also,

An Act supplementary to an Act to exempt Firemen from Militia service and Jury duty, passed March 25, 1853.

JOHN BIGLER.

The following special message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 8, 1854.

To the Senate and Assembly of California:

In my annual Message to the Legislature, presented at the commencement of the present session, as required by the Constitution, I recommended measures

deemed essential to the general prosperity of the State, the preservation of her faith and credit, and the diminution of the onerous taxation which now weighs so heavily upon the energies and industry of the people.

The means then pointed out for the accomplishment of these highly important and desirable objects, were ample and sufficient, and the hope indulged, that ere this, the several measures proposed would have been fully consummated. The various measures commended to your early and favorable consideration at that time, are still approved, and deemed necessary to meet the wants and liquidate the debt of the State; and I, therefore, feel called upon again to urge upon you the great importance of favorable action, and to implore you, in the name of our common constituents, not to adjourn until necessary measures for their relief shall have been matured and adopted. The time appointed by the two Houses for the final adjournment is rapidly approaching, and unless some efficient plan to meet the wants of the State is adopted, our existing debt must remain another year without provision being made for its liquidation, rendering necessary a continuance of the present exorbitant rates of taxation.

The most important of the measures recommended, is the extension of the Water Front of San Francisco, and the sale, at public auction, of the lots within the same. It is believed that such an extension, while it would in no manner interfere with the rights or interests of the City of San Francisco, or be the least impediment to commerce, is demanded, no less by the almost united voice of the people of California, than by the wants and necessities of the State. That the title to this property is vested alone in the State, is no longer a matter of doubt, and that it should be immediately placed at the disposal of her agents, and the entire proceeds of all sales made, applied to the payment of the State debt, is sufficiently demonstrated by the amount of that indebtedness, and the excessive taxation which is thereby rendered necessary to meet accruing demands upon the Treasury, and the interest falling due semi-annually upon the State Bonds. A well matured plan for the extension of the Water Front, is, therefore, eminently demanded by the necessities of the State, and it is believed would be hailed by the people as a great and lasting benefit. During the late canvass, there was no one subject more fully discussed before and among the people throughout the various counties of the State, than that of extension, and none received from them a more cordial and unmistakable indorsement. I would, therefore, again commend to your immediate and favorable consideration this highly important measure, as one absolutely necessary to the present wants and future prosperity of the people of the State of California.

Another subject which should command your immediate attention, is the selection of the balance of the five hundred thousand acres of land donated to the State by Act of Congress for School purposes, and also the lands granted for a Seminary of Learning and public buildings. In order to secure the lands so donated, agents of the State should be authorized to make selections at the earliest practicable period; otherwise the State may lose, if not entirely, at least to some extent, the benefits to be derived from their sales, and our system of Common Schools, now dependent solely upon the interest accruing upon the proceeds of the sales of these lands, be left unprovided for, at a time, too, when it much needs aid and encouragement. This exceedingly important subject should certainly receive favorable consideration at the present session. The amount of land donated for school purposes greatly exceeds the estimate presented in my annual message. The Secretary of the Interior, in a report made to the House of Representatives of the United States on the 13th of February last, affirms that California, under the Act of March 3d, 1853, which donated to the State the sixteenth and thirty-sixth sections, for school purposes, is entitled to six million seven hundred and nineteen thousand three hundred and twenty-four acres. Add to this the five hundred thousand acres donated by the Act of 1841, for

the same important object, and we have a total of seven million two hundred and nineteen thousand three hundred and twenty-four acres, which, if disposed of at the rate of two dollars per acre, will yield the sum of fourteen million four hundred and thirty-eight thousand six hundred and forty-eight dollars. In addition to the above, the Act of 1853 donated forty-six thousand and eighty acres for a seminary of learning, and six thousand four hundred acres for public buildings. Of the five hundred thousand acres, two hundred and sixty thousand remain to be selected. In all cases where located before survey was made, and where there is no unoccupied domain in a township, the State is authorized to locate an equal amount in some other part of the State, so that by timely and vigorous exertions, the whole amount of land donated by the several Acts of Congress can be secured to the State. Judicious legislation for the protection of actual settlers on the public domain, is also a subject of deep interest to a large and enterprising portion of our fellow citizens, and, I trust, will receive favorable consideration before your adjournment. It is demanded by the wants of the people, and is rendered, by the present unsettled condition of land titles, necessary for the permanent welfare of the State.

As a necessary and practical measure of reform, I renew the recommendation to so amend the Constitution of the State, as to provide for biennial sessions of the Legislature, and the abolishment of certain constitutional offices, which would diminish State expenditures, annually, in the aggregate, at least three hundred thousand dollars. Your attention is again particularly invited to the subject, with the hope that the judicious and necessary changes proposed may be approved by you before adjournment, and referred to the next Legislature, as required by the Constitution.

The existing Hospital system has been a source of heavy expenditure to the State, and a more economical plan, it is hoped and believed, can be adopted, without materially curtailing the benefits of these institutions.

Proper and immediate legislation is also demanded, in order to secure the interest of the State in all Escheated Estates. The laws existing in relation thereto, are vague and meager in their provisions, and require amendment and revision, to enable the agents of the State to institute proper proceedings for the recovery of all such estates. Three estates of this character have been brought to the notice of the Executive, the value of which, in the aggregate, amounts to at least two millions of dollars. The importance of this subject will, of course, commend itself to your early and favorable attention. In this connection, I would, also, refer to the suggestions contained in the communication of the Attorney-General, transmitted to the Legislature a few weeks since.

I would, also, again call your attention to the importance of immediately adopting measures to secure the presentation to Congress of all the information necessary to correct and favorable action on the part of the General Government in relation to the Civil Fund and War Debt. In regard to the latter, it is proper to state, that the Board of Examiners appointed to settle war claims on the State, some time since applied for an appropriation sufficient to enable them to have the vouchers and accounts arranged in proper form for transmission to our delegation in Congress; but up to this date, no action has been taken in the premises. It is highly important that these papers should, without delay, be forwarded to Washington. The appropriation asked for, it is believed, will enable the Board of Examiners to place the necessary accounts and vouchers at the disposal of our Congressional delegation, and in all probability, secure the restoration in full of the Civil Fund, and the assumption of the entire War Debt at the present session of Congress.

More recently, your attention has been invited to the importance of modifying the several Acts on the statute book "concerning Corporations," so as to prevent the organization and existence of monopolies, to the restriction of trade,

and the detriment of the whole people. The several laws require revision and amendment, and should receive careful and immediate consideration, while yet the evils complained of are in their incipiency, and within the proper and legitimate control of legislation.

Additional legislation is believed necessary to compel the payment into the State Treasury of the per centage, now authorized to be collected on all sales made at public auction. It is understood that the existing law is uniformly enforced, so far as the collection of the per centage is concerned; but judging from the small amount of revenue derived from this source, is inoperative as to its payment into the State Treasury. This per centage, it is proper to state, is in addition to the charges authorized to be made on such sales by Auctioneers; and if its payment into the Treasury cannot be enforced, the provisions of the Revenue Act authorizing its collection, in justice to the people, should at once be repealed. In this connection, your attention is respectfully invited to the letters of the late Attorney-General, and Messrs. Theodore Payne & Co., herewith transmitted.

These various measures, it is believed, have all been, more or less, subjects of examination and discussion on your part, and it is presumed that it will require but little additional time to mature and pass upon them, and that it is not yet too late to adopt the wholesome and salutary measures so imperiously demanded by the pressing wants and interests of the State of California. Should you adjourn, however, without providing the means required to liquidate the debt of the State as herein suggested, or by some other equally effective plan, the finances of the State will be left in the same critical condition as at your assembling, and the people, whom you represent, disappointed in their confident expectations, will justly regard the present Legislature, and the agents of the State, as having failed to accomplish the objects most desired by them. It is, therefore, hoped that these considerations will induce united and prompt action for the relief of the State, ere a final adjournment shall leave us with a depleted treasury and onerous taxation, to struggle through another year of embarrassment. All these evils can be averted, and the credit of the State placed on a firm basis, by the timely appropriation of those ample means at present within our reach, and to which your attention has heretofore, as now, been respectfully invited.

In connection with the foregoing suggestions, as well as those made in my Annual Message, in relation to economy and reform, and providing the necessary means to liquidate the indebtedness of the State, it is deemed proper again to remind you of the fact, that the Constitution restricts the action of the Executive in these matters to a simple recommendation. Having once performed all that is required by the Constitution, it was perhaps unnecessary for me again to refer to these several subjects, but impressed with the great importance of judicious legislation on all of them before adjourning, I deem it my duty again respectfully to renew the recommendations then made, and to express the opinion, that our common constituents, the people of California, at the date of your assembling, confidently anticipated that ample provision would be made, during the present session, for the payment of the existing State debt; that the expenditures of Government would be so far lessened, as not to exceed the receipts into the Treasury; and that, hereafter, it would not be necessary to seek a market for the sale of depreciated evidences of State indebtedness. All the measures above commended to your favorable consideration, are regarded by me as eminently proper and highly important to the whole people of the State, and I trust will each receive proper examination and meet with your approval, before the present session shall have been brought to a termination.

In conclusion, permit me to express the hope, that if my recommendations cannot be approved, you will, before adjourning, devise and adopt other measures

to protect the rights and interests of the people of California, secure the speedy payment of State indebtedness, and justify a reduction of taxation.

JOHN BIGLER.

On motion of Mr. Bryan, one thousand copies of the message was ordered printed.

Mr. Bryan, Chairman of the Committee on Indian Affairs, reported back Assembly Bill for An Act for the relief of Powell Weaver, recommending its passage.

Leave being granted, Mr. Wade introduced a bill for An Act to authorize and enable Dr. John B. Trask to complete his Geological examination of parts of the State of California.

Read a first and second time, and referred to the Committee on Public Expenditures.

Mr. Coffroth in the chair.

Mr. Catlin presented a remonstrance against the establishment of a Superior Court for Sacramento County.

Referred to the Committee on the Judiciary.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrollment report that, on the 6th inst., they presented to His Excellency, the Governor, for his approval, the following Acts, viz:

An Act supplementary to An Act to Exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853;

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie;

An Act relative to transferring Actions and Proceedings from one Court to another Court;

An Act to give Jurisdiction to the District Court, County Court, and Justices' Courts in Plumas County in certain cases;

An Act for a Special Term of the District Court in the County of Placer;

An Act to provide for the Erection of a Jail in the County of Monterey.

SAM. B. SMITH,
Chairman of Senate Committee.

Senate Bill for An Act for the relief of Soldiers called out by the Governor to suppress Indian Difficulties in Los Angeles and San Diego Counties in the year 1851, was taken from the table.

The amendment of the Committee was concurred in, and the bill read a third time.

Upon its passage, the ayes and nays were demanded by Messrs. Sprague, Hook and Livermore, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Crenshaw, Gardner, Hall, Lent, Mahoney, Moore, McFarland, Peck, Sawyer, Wade and Whiting—14.

NAYS.

Messrs. Grewell, De La Guerra, Hook, Hudspeth, Keene, Kurtz, Livermore, May, McGarry, Sprague, Tuttle and Walkup—12.

Mr. Lyons submitted the following:

Resolved, By the Senate, (the Assembly concurring,) that the Governor of this State be required, and is hereby empowered to dispose of any grants of land, made by Congress to this State, for the purpose of aiding in the Construction of Railroads in this State to the original Companies now holding charters, and organized for the purpose of Constructing Railroads upon the routes as specified, and marked out in the Act of Congress making such grants, to the Sacramento, Auburn and Nevada Company; the grant of lands to the Sacramento, Auburn and Nevada Route; and to other organized Companies upon other specified routes, the lands granted to such routes, respectively, in compliance and in accordance with the provisions of said Act; *provided*, such grants of land be made during this Session of Congress, and before the meeting of the next Annual Session of the Legislature of this State; and that the Governor of the State make such disposition, of the same, as the Legislature is required by said Act of Congress to make.

Mr. Walkup moved to lay the resolution on the table.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Tuttle and Lyons, and it was lost by the following vote:

AYES.

Messrs. Catlin, Gardner, Hook, Hudspeth, Keene, Kendall, May, McGarry, Peck, Wade and Walkup—11.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Grewell, Kurtz, Livermore, Lyons, McFarland, Sawyer, Sprague, Tuttle and Whiting—13.

Mr. Sawyer moved to indefinitely postpone the resolution.

Mr. Sprague moved that it be referred to the Committee on Corporations.

Lost.

The vote recurring upon the motion to indefinitely postpone, the ayes and nays were demanded by Messrs. McFarland, Walkup and Kurtz, and it was agreed to by the following vote:

AYES.

Messrs. Catlin, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kendall, Kurtz, McFarland, McGarry, Peck, Sawyer, Smith, Tuttle, Wade and Waikup—17.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Hall, Livermore, Lyons, May, Moore, Sprague and Whiting—11.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts and Resolution, viz:

An Act to authorize the Mayor and Common Council of the City of Sacramento to levy and collect a Special Tax, for the Redemption of the Bonds of said City;

An Act for the relief of Carlos Isarda;

Senate Joint Resolutions in relation to the "Nebraska Bill" introduced into the Senate of the United States on 23d January, 1854;

An Act granting to the Electors of Calaveras County the privilege to vote for or against a Division of said County, and organize the County of Amador;

An Act fixing the Age of Majority of Males and Females in this State;

An Act to provide Offices for certain County Officers in the County of Sacramento;

An Act to prevent the Destruction of Fish in the Waters of the Stockton Slough, and Mormon Slough, in San Joaquin County; and,

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional Building, and to inclose the Ground belonging to the Asylum.

SAM. B. SMITH,
Chairman Senate Committee.

Leave being granted, Mr. Wade introduced a bill for An Act to Fund the Debt of the County of Mariposa, and provide for the payment of the same.

Read a first and second time, and referred to Mr. Wade.

The following messages were received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on the 6th inst., An Act amendatory of an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853.

Also, on yesterday, An Act explanatory to an Act defining the time of commencing Civil Actions in certain cases, approved May 4, 1854.

B. McALPIN, Clerk.

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, the following Senate Bills:

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, and have amended the same as therein shown;

An Act entitled an Act prescribing the manner of Commencing and Maintaining Suits by or against Counties, have amended the same;

An Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower;

An Act fixing the Age of Majority of Males and Females in this State;

An Act in respect to Insurance of Lives for the benefit of Married Women; also,

An Act declaring the consent of this State to purchase, by the United States, of Signor or Mare Island, and have amended the same as therein shown.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. President:

I am directed to inform the Senate that the Assembly passed, on Saturday, Senate Bill, No. 184, An Act to Incorporate the Town of Placerville; also,

Senate Concurrent Resolutions in relation to goods destroyed by Fire, &c.;

And in relation to Cheap Ocean Postage; also,

Assembly Bill, An Act to authorize the Construction of a Wharf into the Bay of San Leandro, at the mouth of San Leandro Creek in the County of Alameda;

An Act to create the Office of Fire Coroner for the City of San Francisco.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 188, for An Act amendatory of an Act entitled an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853.

Read a first and second time, and referred to the Committee on Corporations.

Assembly Bill, No. 317, for An Act to create the Office of Fire Coroner of the City of San Francisco.

Read a first and second time, and referred to the Delegation from San Francisco.

Assembly Bill, No. 319, for An Act to authorize the Construction of a Wharf into the Bay of San Leandro, at the mouth of San Leandro Creek, in the County of Alameda.

Read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 48, for An Act explanatory to an Act defining the time of Commencing Civil Actions in certain cases, approved May 4, 1852.

Read a first and second time, and referred to the Judiciary Committee.

Assembly amendments to Senate Bill for An Act entitled an Act prescribing the manner of Commencing and Maintaining Suits by or against Counties, were concurred in.

Assembly amendment to Senate Bill for An Act declaring the consent of the State of California to the purchase, by the United States, of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of

said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

Concurred in.

Assembly amendment to Senate Bill for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Concurred in.

Mr. De La Guerra, Chairman of the Committee on Agriculture, submitted the following:

Mr. President:

The Committee on Agriculture have had under consideration Assembly Bill for An Act to establish Commissioners to Regulate Water Courses, and recommend its passage, with an accompanying amendment; also,

Assembly Bill for An Act to establish a State Agricultural Society, and recommend its passage; also,

Assembly Bill for An Act to amend an Act concerning Marks and Brands, and recommend its indefinite postponement; and,

Assembly Bill for An Act concerning Judges of the Plains, and recommend that it be indefinitely postponed.

PABLO DE LA GUERRA,
Chairman.

On motion of Mr. Sawyer, Assembly Bill for An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

Read a third time and passed.

Mr. Coffroth, Chairman of the Committee on Federal Relations, submitted the following report:

Mr. President:

The Committee on Federal Relations, to whom was referred a petition in regard to Asiatic foreigners, have had the same under consideration, and beg leave to submit the following report:

Your Committee consider that a compliance with the views of the petitioners would be highly inexpedient, and injurious to the interests of the community. They are influenced by no unreasonable or unfounded prejudice, when they assert, that no comparison can exist between the ignorant and idolatrous hordes of Chinese that are now flocking to our shores, and the immigrants from the enlightened nations of Europe, numbers of whom, in various parts of the United States, have become useful and worthy citizens, and whose descendants have attained the highest dignities in the Republic.

The number of Asiatics at present in the State is estimated at twenty-five thousand, and recent accounts inform us that thousands are now on their way hither. In less than two years, this number may be expected to amount to one hundred thousand. The injurious effects of their presence in our towns and cities, is universally admitted. The small portion of them who engage in industrial occupations, compete with and reduce the value of the labor of our own citizens. The gold which they take from the mines is of no benefit to us, not returning through any of the avenues of trade, but is borne away to enrich a foreign country. The common idea that they are a harmless, laborious and

inoffensive race, is a mistaken one, as the records of the police courts of our larger cities abundantly show. They are continually engaged in the commission of lawless acts, and it is a well known fact, that large numbers of them are banded together in secret societies, the object of which is, if we can believe the current news of the day, to enable them to escape the pursuit of justice, and perpetrate crime with impunity, by providing witnesses to commit perjury, and compelling those to absent themselves, whose testimony would convict the offender, by the most fearful menaces against their lives and property. Numbers of them may be seen, at any time, in our cities, passing their time in idleness, or assembled around the gaming tables. Their habits are dissimilar to our own; their proneness to vice and rascality, notorious. Their color, their moral and physical organization, and their position in the scale of civilization, rendering it hopeless to expect that they can ever become useful citizens, establishes the fact, that their presence, in large numbers, is an evil, which calls loudly for legislative interference.

It is known that numbers of them are sent here on speculation by foreign capitalists, for whose benefit they labor, bound by contracts at which our sympathies revolt, and which our laws do not recognize. It has at length become known to these people, that there is a country where they can enjoy privileges that are unheard of in their own, where the laws are less severe and tyranny is unknown. That these ideas are becoming more generally diffused among them, the increasing swarms which every vessel deposits upon our shores, clearly proves.

The immigrants of other nations, although they may have been attracted hither by the reputation of our golden hills, often, after a time, forsake the mines and invest their earnings in the purchase of land, or employ it in commercial enterprise, and thus become useful members of the community, increasing the general wealth, and becoming permanent residents of the State.

This is not the case with the Asiatics. The hoarded product of their labors, when they have been successful in the mines, is carried away with them to their own land, or they remain in our cities to indulge in debauchery and vice; and are enabled, by the reputation of respectability which wealth confers on its possessor, more readily to fleece their less fortunate countrymen, and increase, by dishonest means, the treasure they design at last to carry away to their own country.

The petition advocates their ability to supply the demand for domestic labor in this State, and prays the Legislature to address Congress, by joint resolution, in favor of the passage of a law, "declaring that foreigners, who have not declared their intention of becoming American citizens, are ineligible to locate claims or hold mineral lands."

The passage of such a law, while it would deter immigration from the enlightened nations of the old world, would, at the same time, greatly increase the crowds of Chinese that already overrun our principal cities. Whether the Asiatics could, under the Constitution and Laws of the United States, ever become American citizens, has been doubted by the highest legal authorities; but that a race of people who are insensible to the solemn nature of the oath or affirmation administered in our courts of justice, and indifferent to every sacred obligation recognized by civilized nations, could, with propriety, be admitted to the rights of citizenship, is a question which no reasonable mind could entertain. That people, whose reputation for honesty is so equivocal, and from whom the solemnity of an oath fails to elicit the truth, could remain among us in the capacity of laborers or servants, may readily be disputed. Domestics are often necessarily placed in positions of trust, charged with the care of goods and valuables, or entrusted with the receipt of money belonging to their employers: the well known cupidity of these people, and the slight distinction they draw between

right and wrong, would render them entirely ineligible for such position, and be a constant source of trouble and annoyance to those who might avail themselves of their services.

Your Committee conceive that the prayer of the petitioners is wrong, and should not be granted; that it is the duty of the Government, by law, to check the steadily increasing Chinese immigration, and not to provide additional channels of industry for those who are now with us, and those who are yet to come.

JAMES W. COFFROTH,
Chairman.

CHAS. A. TUTTLE,
CHAS. H. BRYAN.

On motion of Mr. Tuttle, one thousand copies of the report of the Select Committee on the Leidesdorff Estate, were ordered printed.

On motion of Mr. Moore, Senate Bill for An Act to prevent the Disposal of the Reversionary Interest of the State in certain property, was taken from the table.

The bill was read a third time and passed.

Mr. Walkup gave notice that he would, on to-morrow, introduce a bill for an Act to amend an Act to Regulate Fees in Office, passed May 1, 1851.

On motion of Mr. Walkup, Senate Bill for An Act to amend section 674 of An Act to entitled an Act to Regulate Proceedings in Criminal Cases, passed May 1, 1851, was taken from the table.

Mr. Whiting moved to amend the first section, by striking out the words "and arrested."

Lost.

The bill was then read a third time.

On motion of Mr. Walkup, the third reading of the bill was reconsidered.

Mr. Whiting moved to amend by inserting, in the first section, after the word "justice," the words "who shall be."

Agreed to.

The bill was read a third time, and, upon its passage, the ayes and nays were demanded by Messrs. Catlin, Tuttle and McGarry, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Grewell, De La Guerra, Hall, Hook, Kurtz, Moore, McGarry, Peck, Sawyer, Wade, Walkup and Whiting —16.

NAYS.

Messrs. Catlin, Lyons, Mahoney, Smith and Tuttle—5.

On motion of Mr. Coffroth, a bill for An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for purposes therein specified, was taken from the table.

Read a third time and passed.

Mr. Coffroth gave notice that he would, on to-morrow, introduce a bill to amend the Charter of the City of Sonora.

On motion of Mr. Whiting, a bill for An Act to provide for the Incorporation of Canal Companies for Navigation, and not for Mining Purposes, was taken from the table, and,

On motion of Mr. Walkup, was again laid upon the table.

On motion of Mr. Colby, An Act for the Protection of Settlers, was taken from the table, and made the special order of the day for to-morrow, at 12 o'clock.

Mr. Smith moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Bryan and Walkup, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Colby, Grewell, De La Guerra, Hall, Hook, Kurtz, McGarry, Smith, Tuttle, Wade and Whiting—12.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, Lyons, Moore, Peck and Walkup—7.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

WEDNESDAY, May 10, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
Journal of yesterday was read and approved.

Mr. Walkup, of the Committee on Mines and Mining Interests, reported back a bill for An Act to define the rights of claimants to the Waters of Streams

in the Mining Districts of this State, for Mining Purposes, without recommendation.

Mr. Hook, of the Committee on Public Expenditures, reported back An Act for the payment of State Prison Inspectors, without any recommendation.

Mr. Tuttle reported as correctly engrossed, An Act to provide for the Construction of a Canal from the Sacramento River, at the Town of Sutter, to the mouth of the Slough.

Mr. Crenshaw, of the Joint Committee on Corporations, reported back the following bills, recommending their passage: Assembly Bill for An Act concerning Corporations;

Senate Bill for An Act amendatory of and supplementary to an Act entitled an Act to authorize the Formation of Corporations for the Construction of Plank and Turnpike Roads, passed May 12, 1853; and,

Assembly Bill for An Act granting Jos. R. Beals and others, the right to Construct a Toll-Bridge across the Pajaro River; and,

Senate Bill for An Act to provide for the Construction of a Telegraph Line between the Port of San Diego and the Port of San Francisco, recommending its indefinite postponement.

Mr. Bryan, of the Judiciary Committee, reported back An Act to repeal an Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851, passed May 18, 1853; and,

An Act amendatory of an Act to Regulate the Settlement of the Estate of Deceased Persons, recommending their passage; and, also, An Act declaratory of the Tenure of Lands in the Mining Districts, with amendments, recommending its passage.

Mr. May reported back Assembly Bill for An Act to Fund that portion of the Debt of Trinity County, accruing previous to the 12th of May, 1853, apportioned to Humboldt County, and provide for the payment thereof, with amendments.

The amendments were concurred in, and the bill was read a third time and passed.

Mr. Colby presented a petition of citizens of Sacramento City, relative to the limits of said City.

Read and referred to the Delegation from Sacramento.

Mr. Bryan reported back a bill for An Act to preserve the records of the several Counties of this State, with a substitute, the passage of which is recommended.

Mr. McFarland, Chairman of the Committee on Education, reported back Assembly Bill for An Act to establish and Regulate Common Schools, to repeal former Acts concerning the same, without amendment, for the consideration of the Senate.

Mr. De La Guerra, of the same Committee, reported a substitute for the same bill.

Leave being granted, Mr. Tuttle introduced a bill for An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott.

Read a first, second and third time, and passed.

Mr. Moore reported back a bill for An Act to Reincorporate the City of San Francisco, with sundry amendments.

On motion of Mr. Crenshaw, "the proposed amendments to the Constitution," were taken from the table.

Lost.

Mr. Crabb moved to lay upon the table, temporarily.

Lost.

Mr. Crenshaw moved to consider as in the Committee of the Whole.

Lost.

Mr. McFarland moved to make their consideration the special order of the day for Saturday next at 12 o'clock.

Lost.

Mr. Crabb moved a call of the Senate.

Agreed to.

And the roll being called, the following Senators were found absent: Messrs. Gardner, Livermore, May and Stebbins.

Mr. Coffroth moved that further proceedings under the call be dispensed with.

Lost.

The call being, temporarily, suspended for the purpose, Mr. Tuttle reported as correctly engrossed, a bill for An Act supplementary to and amendatory of an Act entitled an Act to provide for the Measurement of Lumber, passed April 30, 1853.

On motion of Mr. Keene, Assembly Bill for An Act to amend section seven of an Act entitled an Act concerning the Office of Surveyor-General, was read a third time, and passed.

On motion of Mr. Tuttle, further proceedings under the call were dispensed with.

Mr. Crabb moved to lay the subject upon the table.

The ayes and nays were demanded by Messrs. Tuttle, May and McGarry, and it was lost by the following vote:

AYES.

Messrs. Crabb, Gardner, Grewell, Hudspeth, Kendall, May, McFarland, Peck and Wade—9.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, De La Guerra, Hagar, Hall, Hook, Keene, Kurtz, Leake, Lent, Lyons, Mahoney, McGarry, Sawyer, Sprague, Tuttle, Walkup and Whiting—21.

Leave being granted, Mr. Leake gave notice that he would, on to-morrow, or at an early day, introduce a bill limiting the Fees of County Officers of this State to fifteen thousand dollars.

Mr. Crabb offered the following amendment:

Section 6, article 2, is amended so as to read as follows: "Section 6. All elections by the people shall be viva voce."

The President decided it to be out of order.

From this decision, Mr. Crabb appealed.

Mr. Smith moved to lay the appeal on the table.

The ayes and nays were demanded by Messrs. Lent, Crenshaw and Bryan, and it was lost by the following vote:

AYES.

Messrs. Crabb, Gardner, Grewell, Hagar, Kendall, May, McFarland, McGarry, Peck, Smith and Wade—11.

NAYS.

Messrs. Bryan, Catlin, Colby, Crenshaw, De La Guerra, Keene, Kurtz, Lent, Lyons, Mahoney, Moore, Sawyer, Sprague, Stebbins, Tuttle, Walkup and Whiting—17.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs Lyons, Tuttle and Sprague, and the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, De La Guerra, Hagar, Hall, Hudspeth, Kurtz, Lyons, Mahoney, Moore, Sawyer, Sprague, Tuttle and Whiting—17.

NAYS.

Messrs. Crabb, Gardner, Grewell, Keene, Kendall, Lent, McFarland, McGarry, Peck, Wade and Walkup—11.

Mr. Walkup submitted the following subtitute for first amendment of the Committee:

"The Sessions of the Legislature shall be annual, and shall commence on the first Monday of January next, ensuing the election of its members, and shall terminate within ninety days after its assembling. The Governor of the State may convene an extra session for special objects, by proclamation, which objects shall be stated in the proclamation."

Upon the adoption of which the ayes and nays were demanded by Messrs. Crenshaw, Sawyer and Kurtz, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Grewell, Hagar, Hall, Lent, May, Peck, Wade and Walkup—10.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, De La Guerra, Hook, Keene, Kurtz, Lyons, Moore, McFarland, McGarry, Sawyer, Sprague, Stebbins, Tuttle and Whiting—17.

Mr. Coffroth in the chair.

Mr. McFarland submitted the following as a substitute for the first amendment of the Committee:

"The Sessions of the Legislature shall be biennial, and shall commence on the first Monday of January, next ensuing the election of its members, and shall terminate within ninety days after its assembling. The Governor of the State may convene an extra session for special objects, which objects shall be stated in the proclamation."

Upon the adoption of which the ayes and nays were demanded by Messrs. Crabb, McFarland and Sprague, and it was adopted by the following vote:

AYES.

Messrs. Catlin, Coffroth, Crabb, Gardner, Grewell, Hagar, Hall, Hook, Kurtz, Lent, May, McFarland, McGarry, Peck, Sawyer, Wade and Walkup —17.

NAYS.

Messrs. Bryan, Colby, Crenshaw, De La Guerra, Keene, Lyons, Sprague, Stebbins, Tuttle and Whiting—10.

Mr. Tuttle moved to amend the substitute, as follows: strike out "ninety days," and insert "and shall receive no compensation while in session, but for every other day during their term of office they shall receive the sum of four dollars."

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Wade and Tuttle, and it was lost by the following vote:

AYES—None.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Crabb, Crenshaw, De La Guerra, Hagar, Hook, Kendall, Kurtz, Lent, Lyons, McFarland, McGarry, Peck, Sawyer, Sprague, Tuttle and Walkup—19.

Mr. Walkup moved to amend the amendment by striking out the words, "and terminate within ninety days after its assembling."

The ayes and nays were demanded by Messrs. Crenshaw, Tuttle and Kurtz, and it was agreed to by the following vote:

AYES.

Messrs. Coffroth, Crenshaw, De La Guerra, Hagar, Hook, Lent, Lyons, Sprague, Tuttle, Wade and Walkup—11.

NAYS.

Messrs. Bryan, Catlin, Crabb, Kendall, Kurtz, May, McFarland, McGarry, Peck and Sawyer—10.

Mr. Sprague moved to amend the amendment by striking out the word "January" and inserting "December."

Mr. Crabb moved to amend by inserting instead of the word "December" the word "April."

Lost.

The amendment of Mr. Sprague was also lost.

Mr. Catlin moved to strike out the words, "The Governor of the State may convene an extra session for special objects, which objects shall be stated in the proclamation."

The ayes and nays were demanded by Messrs. Crabb, Gardner and Catlin, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De La Guerra, Hagar, Hook, Kurtz, Lent, Lyons, May, Sawyer, Smith, Sprague and Tuttle —17.

NAYS.

Messrs. Gardner, Grewell, Kendall, McFarland, McGarry, Peck, Wade and Walkup—8.

Leave being granted, Mr. Kendall gave notice that he would, on to-morrow, introduce a bill for An Act to recommend to the Electors of the State, at the next election for Members of the Legislature, to vote for or against a Convention to revise and change the entire State Constitution.

Mr. Colby presented a petition of citizens of Sacramento relative to a Superior Court for said County.

Referred to the Judiciary Committee.

Leave being granted, Mr. Walkup introduced a bill for An Act to amend an Act entitled an Act to regulate Fees in Office, passed May 1, 1851.

Read a first time, and laid over under the rule—objection being made.

Mr. Peck moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, Smith and Peck, and it was lost by the following vote:

AYES.

Messrs. Catlin, Grewell, Hagar, Kendall, May, McFarland, Peck, Smith and Wade—9.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, Gardner, De La Guerra, Hook, Lent, Lyons, Moore, McGarry, Sawyer, Sprague, Tuttle and Walkup—15.

Mr. Smith submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills report, that they, this day, delivered to the Governor for his approval, the following Acts and Resolutions, viz:

An Act to authorize the Mayor and Common Council of the City of Sacramento to levy and collect a Special Tax for the Redemption of the Bonds of said City;

An Act for the relief of Carlos Isarda;

Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States, on 23d January, 1854;

An Act granting to the Electors of Calaveras County to vote for or against a division of said County, and Organize the County of Amador;

An Act fixing the Age of Majority of Males and Females in this State;

An Act to provide Offices for certain County Officers in the County of Sacramento;

An Act to prevent the Destruction of Fish in the Waters of the Stockton Slough and Mormon Slough, in San Joaquin County; and,

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional Building, and to inclose the Ground belonging to the Asylum.

SAM. B. SMITH,
Chairman of Senate Committee.

Mr. Crabb moved a call of the Senate.

Lost.

Mr. Wade moved to lay the amendments to the Constitution, upon the table.

Upon which the ayes and nays were demanded by Messrs. Sprague, Tuttle and Lyons, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Gardner, Grewell, McFarland, McGarry, Peck and Wade—8.

NAYS.

Messrs. Bryan, Coffroth, Colby, Crenshaw, De La Guerra, Hagar, Lent, Lyons, Mahoney, Moore, Sawyer, Sprague, Tuttle and Walkup—14.

Mr. Crabb moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found ab-

sent: Messrs. Hall, Hudspeth, Keene, Kendall, Kurtz, Leake, Livermore, May, Smith, Stebbins and Whiting.

The call was, temporarily, supended, and,

On motion of Mr. Gardner, a bill for An Act allowing James Golden to collect Tolls on a certain Road in Sierra County, was read a third time and passed.

Mr. Mahoney moved that further proceedings under the call be suspended.

Lost.

Mr. Hagar moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Lyons and Bryan, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Colby, Crabb, Gardner, Grewell, Hagar, Hook, Kendall, Lent, Mahoney, McFarland, McGarry, Peck and Wade—14.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, De La Guerra, Lyons, Moore, Sawyer, Sprague, Tuttle and Walkup—10.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:

JOHN Y. LIND, Secretary.

IN SENATE.

THURSDAY, May 11, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of yesterday was read and approved.

Mr. Colby presented petitions of citizens of Sacramento, in relation to a Superior Court, which were referred to the Committee on the Judiciary.

Mr. Mahoney presented a petition of citizens of San Francisco, relative to an amendment of the City Charter.

Referred to the Committee on Commerce and Navigation.

Mr. Lent, Chairman of the Committee on Commerce and Navigation, reported back for the consideration of the Senate, Assembly Bill for An Act to authorize Wm. F. McLean and George Calloway to build a Wharf in the County of San Francisco beyond the western limits of the City of San Francisco, and near to said line.

Mr. Coffroth submitted the following report:

Mr. President:

The undersigned, of the Judiciary Committee, report back Senate Bill for An Act to amend the fifty-second section of an Act to Regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, with the recommendation that it pass with amendments.

SAM. B. SMITH,
J. W. COFFROTH,
A. P. CATLIN,
B. C. WHITING,
G. D. HALL.

Mr. Crenshaw, of the Joint Committee, reported back Assembly Bill for An Act amendatory of an Act entitled an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853, with amendments, recommending its passage.

Mr. Coffroth presented a petition praying the amendment of the City Charter of Sonora.

Referred to the Delegation from Tuolumne.

Mr. Walkup, Chairman of the Committee on Claims, submitted the following report:

Mr. President:

The Committee on Claims, to whom was referred the petition of James Austin, praying the State to reimburse him for certain warrants or bonds lost or destroyed in the May fire of 1850. The petitioner has no knowledge of what the lost property consisted, whether bonds or warrants, does not know the dates, numbers, or amounts of the said evidences of indebtedness. Under all these difficulties, your Committee can only recommend that no action be taken on the petition.

JOSEPH WALKUP,
Chairman.

Mr. Lyons reported back, without recommendation, Senate Bill for An Act to authorize and enable Dr. John B. Trask to complete his Geological examination of parts of the State of California.

The following messages were received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, the following Senate Bills:

An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854, and have amended the same as therein shown;

An Act amendatory of an Act to amend an Act relating to Corporations;

An Act for the relief of H. S. Jackson and William Buchanan; also,

An Act to authorize the Comptroller to issue Duplicate Warrants.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act for the relief of Henry Wolgamuth;

An Act for the relief of Capt. Harry Love;

An Act for the Protection of Toll and other Bridges in this State; also,

Joint Resolution relative to the relief of Luther Wright.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

The amendments of the Assembly to Senate Bill for An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature for the year 1854.

Concurred in.

Assembly Bill for An Act for the Protection of Toll and other Bridges in this State.

Read a first and second time, and laid on the table.

Assembly Bill, No. 310, for An Act for the relief of Captain Harry Love.

Read a first and second time, and referred to the Committee on Claims

Assembly Bill, No. 342, for the relief of Henry Wolgamuth.

Read a first and second time, and referred to the Committee on Claims.

Assembly Joint Resolution, No. 356, relative to the relief of Luther Wright.

Read a first and second time, and referred to the Judiciary Committee.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to authorize the construction of a Wagon Road from Shasta City to to Weaverville, in Trinity County; also,

An Act to provide for the Lien of Contractors, Sub-Contractors and Laborers; and,

An Act to authorize Abraham Barnes and Felix Coones and their associates, to build and construct a Road, and keep a Ferry, in the County of Yolo.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 355, for An Act to authorize Abraham Barnes and Felix Coones and their associates, to build and construct a Road, and keep a Ferry, in the County of Yolo.

Read a first and second time, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 276, for An Act to provide for the Lien of Contractors, Sub-Contractors and Laborers.

Read a first and second time, and referred to the Judiciary Committee.

Assembly Bill, No. 255, for An Act to authorize the construction of a Wagon Road from Shasta City to Weaverville, in Trinity County.

Read a first and second time, and referred to the Committee on Roads and Highways.

According to previous notice, Mr. Coffroth introduced a bill for An Act to amend an Act to Incorporate the City of Sonora, passed May 1, 1851.

Read a first and second time, and referred to the Tuolumne Delegation.

Mr. Whiting introduced a Concurrent Resolution, granting leave of absence to John R. McConnell, Attorney-General of this State.

Adopted.

On motion of Mr. Coffroth, Assembly Bill, No. 230, for An Act for the protection of Game, was taken from the table.

The amendments of the Committee were concurred in, and the bill read a third time, and passed.

Leave being granted, Mr. Colby introduced a bill for An Act to provide for the payment of the Commissioners to Select the Seminary Lands.

Read a first time, and, objection being made, was laid over under the rule.

Mr. Wade reported back the bill for An Act to fund the Debt of the County of Mariposa, and provide for the payment of the same, recommending its passage.

On motion of Mr. Coffroth, Assembly Bill for An Act amendatory of an Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State, was taken from the table, read a third time, and passed.

On motion of Mr. Crabb, Assembly Bill, No. 315, for An Act to incorporate a State Agricultural Society, and appropriate money for its support, was taken from the table.

Mr. Sprague moved to amend the eighth section, by striking out the appropriation of five thousand dollars.

Lost.

The bill was then read a third time, and, upon its passage, the ayes and nays were demanded by Messrs. Sprague, Keene and Grewell, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Gardner, Grewell, Hudspeth, Livermore, Lyons, Mahoney, May, McFarland, Peck, Wade, Walkup and Whiting—18.

NAYS.

Messrs. Crenshaw, De La Guerra, Keene, Leake, Lent, Sawyer and Sprague —7.

On motion of Mr. Catlin, Assembly Bill, No. 295, for An Act to amend an Act concerning Corporations, was taken from the table, read a third time, and passed.

On motion of Mr. Whiting, Assembly Bill, No. 265, for An Act granting Joseph R. Beales and others, the right to construct a Toll Bridge across the Pajaro River, was taken from the table, and read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Sawyer, De La Guerra and Walkup, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Hall, Hudspeth, Kendall, Lent, Livermore, Lyons, Mahoney, May, McGarry, Peck, Wade and Whiting—19.

NAYS.

Messrs. Hagar, Hook, Sawyer, Smith and Walkup—5.

Mr. Hall asked and obtained leave to withdraw the petition and account of James C. Morehead.

On motion of Mr. Wade, a bill for An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853, was taken from the table, read a third time, and passed.

Mr. Bryan submitted the following:

Resolved, That no new business shall be introduced into the Senate after Friday next, and no business shall be transacted after Saturday next, except receiving messages from the Governor and messages from the Assembly.

Resolved, That the business upon the President's table be taken up according

to the date of its introduction, and all business of a merely local character shall first be disposed of.

On motion of Mr. Sprague, the second resolution was stricken out.

Mr. Lyons moved to lay the resolution on the table.

Lost.

The resolution was then adopted.

On motion of Mr. Mahoney, a bill for An Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, was taken from the table.

Mr. Kendall offered a substitute for section first.

Adopted.

Mr. Crabb moved to amend, by striking out "twelve" and inserting "fourteen" as the per diem of the Chaplain.

Agreed to.

Mr. Stebbins moved to strike out "sixteen" and insert "eighteen" as the per diem of the Assistant Secretary of the Senate and Assistant Clerk of the Assembly.

Upon which the ayes and nays were demanded by Messrs. Keene, Hagar and Sprague, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Colby, Crabb, Crenshaw, Gardner, Grewell, Hall, Hudspeth, Kendall, Kurtz, Leake, Lent, Lyons, Mahoney, McFarland, McGarry, Peck, Smith, Stebbins, Wade and Whiting—21.

NAYS.

Messrs. De La Guerra, Hagar, Hook, Keene, Livermore, Sawyer, Sprague and Walkup—8.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853;

An Act in respect to Insurance of Lives for the benefit of Married Women;

An Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower;

An Act prescribing the manner of Commencing and Maintaining Suits by or against Counties.

An Act declaring the consent of the State of California to the purchase, by the United States, of Signor or Mare Island, to relinquish the title and interest of the State in Overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified;

Concurrent Resolutions in relation to cheap Ocean Postage; and,

Concurrent Resolutions in relation to Goods Destroyed by Fire.

SAM. B. SMITH,
Chairman Senate Committee.

Mr. Smith moved to increase the per diem of the Engrossing and Enrolling Clerks to sixteen dollars.

Upon which the ayes and nays were demanded by Messrs. Livermore, Walkup and Sprague, and it was lost by the following vote:

AYES.

Messrs. Bryan, Coffroth, Crabb, Gardner, Grewell, Hall, Kendall, Kurtz, Lyons, Mahoney, McFarland, McGarry, Smith and Wade—14.

NAYS.

Messrs. Colby, Crenshaw, De La Guerra, Hagar, Hook, Keene, Leake, Livermore, Peck, Sawyer, Sprague, Stebbins, Walkup and Whiting—14.

Mr. Hagar moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded by Messrs. Mahoney, Lyons and Whiting, and it was lost by the following vote:

AYES.

Messrs. Hagar, Hook, Keene, Livermore, Sawyer, Sprague and Walkup—7.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hudspeth, Kendall, Kurtz, Leake, Lyons, Mahoney, McFarland, McGarry, Smith, Stebbins, Wade and Whiting—21.

The bill was then read a third time.

Upon the passage of the bill, the ayes and nays were demanded by Messrs. Sawyer, Grewell and Peck, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Kendall, Kurtz, Leake, Lyons, Mahoney, McFarland, McGarry, Peck, Smith, Stebbins, Wade and Whiting—21.

NAYS.

Messrs. De La Guerra, Hagar, Hook, Keene, Livermore, Sawyer, Sprague and Walkup—8.

Mr. Walkup moved to amend the title so as to read as follows: "An Act for the relief of the Officers of the Senate and Assembly."

Lost.

Leave being granted, Mr. Kendall introduced a bill for an Act fo authorize the appropriation of moneys for the benefit of the San Francisco Orphan Asylum Society,

Read a first, second and third time, and passed.

Mr. Keene, Chairman of the Committee on Public Lands, submitted the following report:

Mr. President:

The Committee, to whom was referred the memorial of James F. Stuart, William Langerman and others, claiming to be the owners of the block in the City of San Francisco, bounded by Montgomery, Washington, Jackson and Sansome streets, and praying that any pretence of title which the State of California has been supposed to hold in and to the said block of ground, be released, respectfully report:

That they have carefully investigated the facts set forth in the memorial, and find them to be substantially as follows, to wit: That in the year 1839, a lot, containing 100 varas square, being a portion of said block fronting on Montgomery street, was granted by an Alcalde of San Francisco, with the approval of the Governor, to one Garcia, who took possession thereof, and afterwards sold and conveyed the same to one Nye, who also went into possession, and erected some improvements thereon; and the title thus acquired by Nye, has been conveyed to the present occupants of said premises. That a considerable portion of the said 100 varas fronting on Montgomery street was always above high-water mark, and of course not subject to the ebb and flow of the tide. That the remainder of the said block was granted in 1849 by T. M. Leavenworth, Alcalde, to J. D. Stevenson, and the present occupants of that portion of said block are in possession under said title. That prior to the month of September, 1850, when the State of California was admitted into the Union, a large portion of said block had been reclaimed from the water by the occupants holding under the titles aforesaid, and the fronts of said block had been built up, with the exception of a few lots, and was then used for business purposes. That the streets fronting said block had been filled in and planked, except a small portion of Washington street, which was only capped and piled, but not filled in. That the whole of said block, except a small portion towards the center thereof, had been entirely reclaimed from the water, and was not subject to the ebb and flow of the tide at the time when this State was admitted into the Union, and the central portion so covered with water had access to the waters of the bay, only through the opening between the piles on Washington street, near Sansome, but was no longer useful for any purpose of navigation. That in September, 1850, when the State was admitted, the streets around said block were all used as public thoroughfares, and the parts of said block were covered, except a few lots, with business houses. That the present occupants

have expended a very large sum of money in erecting substantial buildings on the said premises.

Satisfactory proofs having been laid before the Committee, establishing the foregoing facts, the Committee is of opinion that in equity and justice the present occupants are entitled to the said premises, and that the State of California has no just title thereto; and, inasmuch as the present owners are put to great inconvenience by reason of a supposed claim of the State to said block, your Committee herewith report a bill releasing the claim of the State, and recommend its passage.

B. F. KEENE,
Chairman Committee Public Lands.

JOHN S. HAGAR,
EDWD. McGARRY,
D. B. KURTZ.

Mr. Lyons moved to lay the report upon the table.

Lost.

The report was then accepted, and laid upon the table.

Leave being granted, Mr. Smith introduced a bill for An Act explanatory of an Act to reincorporate the City of San Francisco, passed April 15, 1851.

Read a first and second time, and referred to the San Francisco Delegation.

On motion of Mr. McGarry, Assembly Bill for An Act to authorize Stephen K. Nurse to build a Wharf in the County of Solano, was taken from the table, read a third time, and passed.

Leave being granted, Mr. Bryan introduced a bill for An Act to amend an Act defining the Duties of State Librarian, and prescribing Rules for the State Library, passed April 9, 1850.

Read a first and second time, and referred to the Committee on Education.

Mr. Crabb moved to take up Assembly Bill for An Act to prevent Stallions from running at large.

Upon which, the ayes and nays were demanded by Messrs. Crabb, Gardner and Smith, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Gardner, Grewell, Leake, McFarland, Peck, Sawyer and Smith—9.

NAYS.

Messrs. Bryan, Colby, Crenshaw, Hagar, Hall, Hook, Keene, Kurtz, Livermore, Lyons, McGarry, Sprague, Tuttle and Whiting—14.

Mr. Smith, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

On motion of Mr. Hagar, Senate Bill, No. 21, for An Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, was taken from the table, and the amendments of the Judiciary Committee were concurred in.

Mr. Coffroth moved to lay the bill upon the table.

Lost.

Mr. Coffroth submitted sundry amendments to the bill.

The first amendment was lost.

The second amendment was adopted.

Mr. Coffroth moved to lay the bill upon the table.

Lost.

Mr. Tuttle, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed, Senate Bill for An Act concerning Public Ferries and Toll Bridges; and,

Senate Bill for An Act to authorize John Caruthers to build and construct a Turnpike or Gravel Road from the City of Stockton to the Towns of Sonora and Columbia, in Tuolumne County.

The third amendment was lost.

Mr. Catlin moved that the bill be read a third time, and called for the previous question, which was sustained.

The question being then upon the adoption of the fourth amendment, it was lost.

The tenth, eleventh, thirteenth and fourteenth amendments were concurred in, and the bill was read a third time, and passed.

Mr. Whiting moved to take from the table Senate Bill, No. 38, for An Act to provide for the Selection of Lands donated by the U. S. to the State of California for the Support of Common Schools, and for the erection of Public Buildings.

The ayes and nays were demanded by Messrs. Whiting, Livermore and Kurtz, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hall, Keene, Kurtz, Livermore, Lyons, Mahoney, McFarland, Sprague, Tuttle and Whiting—13.

NAYS.

Messrs. Catlin, Crabb, Gardner, Hagar, Hook, McGarry, Peck, Smith, Wade and Walkup—10.

Mr. Hagar moved to lay the bill on the table.

Lost.

Mr. Crabb moved a call of the Senate.

Agreed to; and the roll being called, the following Senators were found absent: Messrs. Keene, Kendall, Leake, McGarry, Sawyer and Tuttle.

Mr. Sawyer appeared, and was admitted.

The call being, temporarily, suspended for the purpose,

Mr. Lent moved to reconsider the passage of a bill for An Act to authorize the Appropriation of Moneys for the San Francisco Orphan Asylum Society.

The ayes and nays were demanded by Messrs. Lent, Peck and Crenshaw, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell,

De La Guerra, Hook, Hudspeth, Kendall, Kurtz, Lent, Mahoney, May, McFarland, Sawyer, Sprague, Stebbins, Wade, Walkup and Whiting—23.

NAYS.

Messrs. Hagar, Keene and Peck—3.

The third reading was also reconsidered, and the bill laid upon the table.

Messrs. Kendall and Keene appeared, and were admitted.

On motion of Mr. Peck, further proceedings under the call were dispensed with.

The vote being upon the adoption of a substitute for Senate bill No. 38, introduced by the Committee on Public Lands.

The ayes and nays were demanded by Messrs. Hagar, Walkup and Catlin, and it was decided in the negative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hagar, Hook, Sawyer, Wade and Walkup—9.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, Sprague and Whiting—14.

On motion of Mr. Sprague, a bill for An Act making appropriations to meet the Civil Expenditures of the Government of this State accruing prior to the first day of February, 1854, and estimated deficiencies in appropriations heretofore made to meet the current expenses of Government from the first day of February, 1854, to the first day of February, 1855, substitute for Senate Bill, No. 94, was taken from the table.

Leave being granted, Mr. Lent introduced a substitute for Senate Bill, No. 215, entitled An Act appropriating Moneys for the benefit of certain Orphan Asylums.

The substitute was adopted, and read a third time.

Upon its passage, the ayes and nays were demanded by Messrs. Keene, Crabb and Gardner, and it was passed by the following vote:

AYES.

Messrs. Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hall, Hudspeth, Kendall, Leake, Lent, Lyons, Mahoney, Moore, McFarland, Peck, Sawyer, Smith, Wade and Walkup—22.

NAYS.

Messrs. Keene, Livermore and Sprague—3.

Mr. Lyons gave notice that he would, on to-morrow, introduce a bill for An Act to provide for the Publication of the Decisions of the Supreme Court of this State; and,

An Act to authorize the Physicians of the State Marine Hospital to appoint a resident Apothecary.

Mr. Walkup moved to strike out the first and second sections of the Deficiency Bill.

Lost.

The bill was then read a third time, and passed.

Mr. Smith asked and obtained leave of absence for the remainder of the session.

Mr. Moore moved to take up a bill for An Act to Reincorporate the City of San Francisco.

Lost.

On motion of Mr. Crenshaw, the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LLND, Secretary.

IN SENATE.

FRIDAY, May 12, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Bishop Kipp.
The Journal of yesterday was read and approved.

Mr. McFarland, Chairman of the Committee on Education, reported back An Act to amend an Act entitled an Act defining the Duties of State Librarian, and prescribing Rules for the Government of the State Library, passed April 9, 1850, recommending its indefinite postponement.

Mr. Smith submitted the following report:

Mr. President:

The Select Committee, to whom was referred Assembly Bill for An Act

Dividing the State into Counties, and Establishing the Seats of Justice therein, beg leave to report, that they have examined the same, and find that said bill provides for annexing a portion of Sutter County to the County of Colusi. In view of the fact that Sutter County is now one of the smallest in the State, and scarcely able to support its present organization, your Committee are of opinion, that it would be unwise to make it yet smaller, thereby rendering its dissolution almost certain.

Your Committee would, therefore, respectfully recommend the indefinite postponement of the bill.

SAM. B. SMITH,
E. T. PECK.

Mr. Sprague submitted a minority report, recommending the passage of the bill, without amendment.

Mr. Coffroth, of the Tuolumne Delegation, reported back a bill for An Act to amend an Act to incorparate the City of Sonora, passed May 1, 1851, with an amendment, recommending its passage.

The amendment was concurred in, and the bill read a third time, and passed.

Mr. Catlin, of the Committee on Claims, reported back a bill for An Act for the relief of Capt. Harry Love, recommending its passage.

Mr. Walkup verbally dissented from the report of the Committee.

Mr. Sprague, Chairman of the Committee on Finance, reported back a bill for An Act to repeal sections 7, 8, 9 and 10 of an Act concerning the Revenue, Funds, Expenditure and Property of the State, and Management thereof, passed February 20, 1850, recommending its passage without amendment.

Also, a bill for An Act to amend sections two and three of An Act concerning the Salaries of Officers and pay of Members of the Legislature, with amendments, recommending its passage.

Mr. Smith reported, without recommendation, An Act to change the name of George Alexander Smith to George Smith Townsend.

Mr. Walkup, Chairman of the Committeee on Claims, reported back a bill for An Act for the relief of John Boling, Sheriff of Mariposa County, recommending its indefinite postponement.

Mr. Colby reported back a bill to authorize John C. Johnson to construct a Wagon Road from Placerville, in El Dorado County, to the Utah Line, and to Regulate the Tolls to be collected on the same.

Mr. Lent reported back a bill for An Act explanatory of an Act to Reincorporate the City of San Francisco, passed April 15, 1851, recommending its passage.

The bill was read a third time and passed.

Mr. Lent, also, reported back Assembly Bill for An Act to create the Office of Fire Coroner of the City of San Francisco, without recommendation.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act for the relief of Richard C. Barry, recommending its indefinite postponement; also,

Petitions in reference to the Los Angeles Rangers, recommending that the prayer of the petitioners be denied; also,

A bill for An Act to provide for the Payment of Mileage and Attendance of Witnesses Subpened by order of the Senate, recommending its indefinite postponement; and,

Assembly Bill for An Act for the relief of Henry Wolgamuth, with an amendment, recommending its passage.

The amendment was concurred in, and the bill read a third time and passed.

Mr. Whiting submitted the following report:

Mr. President:

We, the undersigned, members of the Committee on State Prison and Public Buildings, to whom was referred the communication of the Commissioners appointed on behalf of the State to conduct the erection of a State Prison, have had the same under consideration, and report the same back to the Senate, with a recommendation that the Legislature pass a bill appropriating the sum of $10,535 90 to pay the contractor for extra work in constructing said State Prison.

The Committee would, also, report, that they have examined the report of the State Prison Inspectors, and that they are by no means satisfied with the report, or with the manner in which said Inspectors have discharged their duties.

Your Committee have no means of knowing the precise duties performed by said Inspectors, but have been informed that several prisoners have escaped from the State Prison, but in what way or manner, your Committee are uninformed, except from the public newspapers. They believe, however, that some fault should be attached to the Inspectors, and none to the Superintendent and other persons in charge of said prison.

Your Committee feel called upon to recommend a repeal or modification of the law authorizing the appointment of State Prison Inspectors.

B. C. WHITING,
THOS. KENDALL.

Mr. Walkup reported back Assembly Bill for An Act amendatory of an Act to provide for the Protection of Foreigners, and to Define their Liabilities and Privileges, without amendment, recommending its passage.

The bill was read a third time and passed.

Mr. Crenshaw submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz:

An Act for the relief of H. S. Jackson and William Buchanan;

An Act to authorize the Comptroller to issue Duplicate Warrants;

An Act amendatory of an Act to amend an Act relating to Corporations;

An Act to Incorporate the Town of Placerville;

An Act for the relief of John Skinker and others;

An Act amendatory of an Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State, passed April 11, 1850; and,

An Act to change the name of the Sutter, Jackson and Dry Town Water and Mining Company to that of the Jackson Water Company.

JNO. T. CRENSHAW,
Of Enrolling Committee.

Mr. Crenshaw reported a bill for An Act to encourage the Construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern

Line of this State, with branches thereto, with sundry amendments, recommending its passage.

Mr. Keene submitted the following report:

Mr. President:

The Committee on Public Lands, to whom was referred the Special Message of the Governor, together with the report of the Commissioners appointed to select Mission Lands of San Luis Rey, have had the same under consideration, and entirely concur with His Excellency's recommendations as to the importance of an early selection of our School Lands.

Your Committee would recommend that provision be made for the payment of the Commissioners appointed to select the lands of that Mission; and as the bill now pending in the Senate will, with one amendment, accomplish that object, its passage, with an amendment, is recommended.

B. F. KEENE,
JAMES W. COFFROTH,
EDW. McGARRY,
D. B. KURTZ.

Mr. Colby submitted the following report:

Mr. President:

The Committee, to whom was referred the petitions of sundry citizens of Sacramento City, praying that a law be passed establishing the boundary lines of said City, pursuant to the designation therein contained, report, that to levy and collect taxes for City purposes, from those who receive neither benefit nor protection therefrom, is, in the language of the petition, "not only a flagrant violation of the principles of justice, but it is subversive of the sound political maxim, that support and protection are correlative duties."

The Committee are satisfied that those citizens who reside south of R Street, are beyond the reach of that protection which is afforded by the City Government to all those citizens who reside within more circumscribed boundaries. They, therefore, report the following supplement to An Act to Incorporate the City of Sacramento, passed March 1851, and recommend its passage.

G. W. COLBY.

Mr. Catlin reported a substitute for the above bill.

Mr. Lent, from the Committee on Commerce and Navigation, reported back a bill for An Act to grant to certain persons the right of using the Water Power of Mission Creek upon their own premises, recommending its passage.

On motion of Mr. Moore, the bill was laid upon the table.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 10, 1854.

To the Senate of California:

I have, this day, approved the following Acts, which originated in the Senate, viz:

An Act to authorize the Mayor and Common Council of the City of Sacramento to levy and collect a Special Tax for the Redemption of the Bonds of said City; also,

An Act fixing the age of Majority of Males and Females in this State.

JOHN BIGLER.

The following message was, also, received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 11, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act granting to the Electors of Calaveras County the privilege to vote for or against a Division of said County, and to organize the County of Amador;

An Act for the relief of Carlos Isador;

An Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower;

An Act prescribing the Manner of Commencing and Maintaining Suits by or against Counties;

An Act in respect to Insurance of Lives for the benefit of Married Women;

An Act declaring the consent of the Legislature of the State of California to the purchase, by the United States, of Signor or Mare Island.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, An Act in reference to the Journals of the Senate and Assembly.

Which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 344, for An Act in reference to the Journals of the Senate and Assembly.

Read a first, second and third time, and passed.

On motion of Mr. Wade, Assembly Bill, No. 204, for An Act for the relief of John Boling, Sheriff of Mariposa County, was taken from the table.

Mr. Walkup moved to indefinitely postpone the bill.

Lost.

The bill was read a third time, and, upon the passage, the ayes and nays were demanded by Messrs. Sprague, Tuttle and Lyons, and it was passed by the following vote:

AYES.

Messrs. Bryan, Crabb, Gardner, Grewell, Hudspeth, Leake, Lent, Lyons, McFarland, McGarry, Peck, Smith, Wade and Whiting—14.

NAYS.

Messrs. Colby, Crenshaw, De La Guerra, Hagar, Hall, Hook, Keene, Kurtz, Livermore, Sawyer, Sprague, Stebbins, Tuttle and Walkup—14.

The Senate being equally divided, the President voted in the affirmative, and so the bill passed.

According to previous notice, Mr. Lyons introduced a bill for An Act to authorize the Publication of the Decisions, Opinions and Dissenting Opinions of the Supreme Court.

Read a first time, and laid upon the table.

Mr. Whiting moved to take up a bill to provide for payment of work done on State Prison.

Lost.

Mr. Tuttle offered the following:

Resolved, The Senate and Assembly concurring, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of an Act by Congress authorizing the Legislature of California to impose a Capitation Tax upon natives of China and Japan who emigrate to California; said tax to be paid by the owners or masters of vessels before the immigrants are allowed to land.

Upon the adoption of the resolution, the ayes and nays were demanded by Messrs. Tuttle, Peck and Walkup, and it was adopted by the following vote:

AYES.

Messrs. Colby, Crabb, Gardner, Hagar, Hall, Keene, Kendall, Lyons, Mahoney, McGarry, Peck, Smith, Sprague, Wade and Whiting—15.

NAYS.

Messrs. Bryan, Crenshaw, Grewell, Hook, Leake, Livermore, Sawyer, Stebbins and Walkup—9.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Enrolled Bills report, that, on yesterday, they presented to the Governor for his approval, the following Acts:

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853;

An Act in respect to Insurance of Lives for the benefit of Married Women;

An Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower;

An Act prescribing the manner of Commencing and Maintaining Suits by or against Counties; and,

An Act declaring the Consent of the State of California to the purchase, by the United States, of Signor or Mare Island; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified; also,

Concurrent Resolutions in relation to Cheap Ocean Postage; and,

Concurrent Resolution in relation to Goods destroyed by Fire; also,

An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

SAM. B. SMITH,
Chairman Senate Committee.

Mr. Hall moved to take from the table a bill for An Act supplementary to an Act to provide for the Disposition of Certain Property of the State of California, passed March 26, 1851.

The ayes and nays were demanded by Messrs. Bryan, Stebbins and Leake, and it was agreed to by the following vote:

AYES.

Messrs. Colby, Crabb, Gardner, Hagar, Hall, Keene, Kendall, Lyons, Mahoney, McGarry, Peck, Smith, Sprague, Wade and Whiting—15.

NAYS.

Messrs. Bryan, Crenshaw, Grewell, Hook, Leake, Livermore, Sawyer, Stebbins and Walkup—9.

Upon ordering the bill to a third reading, the ayes and nays were demanded by Messrs. Kurtz, Tuttle and Sawyer, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Crabb, Hagar, Hall, Keene, Lyons, Mahoney, McGarry, Peck, Sprague, Stebbins, Wade and Whiting—12.

NAYS.

Messrs. Catlin, Crenshaw, Grewell, Hook, Hudspeth, Sawyer and Tuttle—7.

Mr. Tuttle moved a call of the Senate.
Lost.
Upon the passage of the bill, the ayes and nays were demanded by Messrs. Tuttle, Livermore and Gardner, and it was passed by the following vote:

AYES.

Messrs. Coffroth, Crabb, Gardner, Grewell, Hagar, Hall, Lyons, Mahoney, McGarry, Smith, Sprague, Stebbins, Wade and Whiting—14.

NAYS.

Messrs. Crenshaw, Hook, Keene, Livermore, Sawyer and Tuttle—6.

Mr. Kurtz moved to take from the table Assembly Bill for An Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11, 1852.
Lost.
On motion of Mr. Keene, Assembly Bill for An Act concerning the Office of Secretary of State, was taken from the table.
Mr. Sprague moved to amend to amend the third section, by striking out the words, "Seat of Government," and inserting "at such place as other State Officers are required to reside by law."
Agreed to.
The bill was then read a third time and passed.

Mr. Wade submitted the following resolution, which was adopted:

Resolved, That the Secretary and Assistant Secretary of the Senate be continued, at their present per diem, after the adjournment of the Legislature, not exceeding thirty days, to finish the business of the Sessions, and the Comptroller of State is hereby authorized to issue his warrants on the Treasurer for such services, on the certificate of the Lieutenant-Governor.

On motion of Mr. Livermore, Assembly Bill for An Act to amend an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, approved May 12, 1853, was taken from the table, read a third time, and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly passed, on yesterday, the following Senate Bills:

An Act to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller;

An Act to Fix the Compensation of the Board of Supervisors of Tuolumne County;

An Act to authorize the Court of Sessions of Trinity County, to levy a Special Tax for purposes therein mentioned;

An Act Defining the Boundaries between the Counties of Santa Barbara and San Luis Obispo;

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott; also,

Senate Concurrent Resolutions in relation to the Soldiers of 1812.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

The following message was also received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate Concurrent Resolution granting leave of absence to the Hon. J. R. McConnell, Attorney-General.

Respectfully,

B. McALPIN, Clerk.

Mr. Grewell moved to take from the table Assembly Bill for An Act for the Protection of Settlers, and Senate Bill for An Act to encourage the Settlement and secure Improvements on Wild and Unoccupied Lands.

Upon which the ayes and nays were demanded by Messrs. De La Guerra, McGarry and Grewell, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Crabb, Crenshaw, Grewell, Hook, Hudspeth, Kendall, Peck, Sawyer, Sprague, Tuttle and Wade—14.

NAYS.

Messrs. Gardner, De La Guerra, Hagar, Kurtz, Mahoney, Moore, McFarland, McGarry, Walkup and Whiting—10.

On motion of Mr. Gardner the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
JOHN Y. LIND, Secretary.

IN SENATE.

SATURDAY, May 13, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Bishop Kipp.
The Journal of yesterday was read and approved.

Mr. Walkup, Chairman of the Committee on Claims, reported back a bill for An Act to provide John A. Read with Duplicate Warrants in lieu of warrants lost or destroyed, recommending that no action be taken upon the bill; also, without recommendation, a bill for An Act to exempt Mining Claims from Forced Sale in certain cases.

The following message was received from the Assembly :

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 110, to provide Revenue for the Support of the Government of this State, and have amended the same as therein shown.

Respectfully,

B. McALPIN, Clerk.

The Revenue Bill was considered, and the 1st, 2d, 3d, 4th, 6th, 9th, 11th, 12th and 13th amendments of the Assembly were concurred in.

On motion of Mr. McFarland, Assembly Bill, No. 86, for An Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties to Regulate the Water Courses within their respective limits, was taken from the table, the amendments of the Committee were concurred in, and the bill read a third time, and passed.

Mr. Lent presented a remonstrance of citizens of San Francisco against the Extension of said City.

Referred to the Committee on Commerce and Navigation.

Mr. Sprague, of the Committee on Enrollment, submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts and Resolutions, viz:

An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854;

An Act to fix the Compensation of the Board of Supervisors of Tuolumne County;

An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for purposes therein mentioned;

An Act defining the Boundaries between the Counties of Santa Barbara and San Luis Obispo;

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott;

An Act to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller;

Concurrent Resolutions in relation to the Soldiers of 1812;

Concurrent Resolution granting leave of absence to John R. McConnell, Attorney-General of this State.

R. T. SPRAGUE,
Of Senate Enrolling Committee.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly refuse to recede from their amendments to the Senate Bill, No. 110, Revenue Bill, and ask a Committee of Free Conference, and have appointed on their part Messrs. Conness, Griffith and Whipple as a Committee.

Respectfully,
B. McALPIN, Clerk.

Mr. Livermore, of the Committee on Counties and County Boundaries, reported back a bill for An Act supplementary to an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853.

Mr. Hagar, Chairman of the Committee on the Judiciary, reported back the following:

Assembly Bill for An Act to amend an Act entitled an Act to Regulate proceedings in Criminal Cases, passed May 1, 1851;

Senate Bills for An Act to amend an Act entitled an Act Regulating Marriages, passed April 22, 1850;

An Act to amend an Act to Regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851;

An Act to reinstate certain Actions in the County Courts of this State;

An Act to amend section 691 of an Act entitled an Act to Regulate Proceedings in Criminal Cases, passed May 1, 1851;

An Act in relation to the Duties of Comptroller of State;

An Act to amend an Act entitled an Act to Provide for the Lien of Mechanics and others, passed April 12, 1850;

An Act amendatory of an Act entitled an Act Concerning Sheriffs, passed April 29, 1851; and,

An Act to enable the Personal Representatives and next of Kin of Persons Deceased to maintain suits in Certain Cases; also,

Memorial and Joint Resolutions in reference to the speedy Settlement of Private Land Claims in the State of California;

Items of Expenses of Committee appointed to examine the Books and Accounts of Treasurer and Comptroller;

Petition in relation to Fee Bill of this State.

Mr. Walkup, Chairman of the Committee on Claims, reported back the petition and account of Geo. Leviston.

Mr. Crenshaw, Chairman of the Committee on Corporations, reported back An Act for the Formation of Corporations for the Construction of Canals.

On motion of Mr. McGarry, Assembly Bill for An Act to authorize the Board of Supervisors of Yolo County to levy a Special Tax for the Payment of the existing Debt of said County, was indefinitely postponed.

Mr. Lent, of the Select Committee, appointed to examine the Accounts of State Printers, submitted the following report:

Mr. President:

The undersigned, a portion of the Joint Committee appointed under the Concurrent Resolution, to examine all accounts and vouchers for public printing, under the contract with Vincent E. Geiger & Co., and G. K. Fitch & Co.; also with George Kerr, under the Joint Resolution, approved February 3, 1853; and, also, accounts and vouchers for printing since the decease of George Kerr, with power to send for persons and papers, &c., respectfully report:

That, owing to the confused state of the accounts and vouchers, and the long sessions, daily, of the Legislature, it will be impossible to prepare a bill in accordance with our instructions.

We further report, that from the partial examination we have been enabled to make, it is our belief that extensive errors against the State exist in these accounts, and that a large sum is due from the late State Printer. Our reasons for this opinion may be found in the following consideration of our investigations:

On the 8th instant, Messrs. Johnson and Ingham, the two *Experts* who assisted in the examination, addressed to the Committee the accompanying letter, (marked A,) and submitted the following report:

SACRAMENTO, May 8, 1854.

Hon. D. P. TALLMADGE, Chairman, &c.,

SIR: The annexed eleven printing accounts were selected by us at random, (as the numbers of the vouchers will show,) and have been carefully computed, with the following result:

Vouchers.	True amount of work done.	Amount paid to State Printer.	Amount of over-payments.
No. 152	$428 75	$965 00	$536 25
" 275	451 25	975 00	523 75
" 362	427 48	427 48	Nothing.
" 717	175 00	805 00	630 00
" 1,187	35 00	35 00	Nothing.
" 602	267 50	516 50	249 00
" 266	50 00	60 00	10 00
" 1,218	1,836 27	1,932 78	96 51
" 1,186	362 71	364 35	1 64
" 1,062	1,520 01	1,702 91	182 90
" 1,054	319 66	319 66	Nothing.
	$5,873 63	$8,103 68	$2,230 05

P. C. JOHNSON,
C. T. INGHAM.

It will be seen that the report of the *Experts* shows an average overcharge of more than thirty-eight (38) per cent. on the eleven vouchers examined by them. After ascertaining this fact, we took from an old file of printed bills, five of those ordered by the Assembly during the last session, and caused them to be measured, (see Appendix B,) and the charges for composition, presswork, and folding and stitching, as allowed by the contract, to be computed. After this was done, we compared the result with the vouchers on file, and found the following discrepancies:

Bill.	Pages	No. of ems legally chargeable.	No. of ems charged.	Correct amount of bill.	Amount paid.	Overcharge.
No. 36*	4	2,220	12,600	$29 10	$64 12	$35 02
" 111	12	26,640	27,800	154 80	176 46	21 66
" 119*	4	2,220	12,600	29 10	64 12	35 02
" 131	4	8,880	12,600	51 60	64 12	12 52
" 135	8	17,760	25,200	103 20	128 24	25 04
				$367 80	$497 06	$129 26

These two bills [marked *] only contain a single page of composition, and no other page was in any manner necessary to make the form. The charge is for four pages.

This examination exhibits an average overcharge of about thirty-three (33) per cent. Our next investigation was voucher 716, it covering the only newspaper advertisement. We found the bill is for advertising nine squares forty-four times,..... $607 50

This advertisement was published during the existence of the "Legal Notice Act," and therefore the charge was limited to $2 per square for the first insertion, and $1 for each subsequent one. Calculated at this rate, the bill would be,

Nine squares, 1 insertion, @ $2 per square,.....	$18 00	
Nine do. 43 insertions, @ $1 per square each time,..	387 00	
		405 00
Overcharge,.....		$202 50

Vouchers 860 to 862 show an allowance of $6,373 65, for composition, press-work, and folding and stitching on the Appendix to the Journals of 1853; and in every instance, so far as we have been able to find and examine other vouchers, the compensation on these same documents was paid under an order from one or the other of the two Houses, and more frequently for both. We do not believe that any portion of this sum, excepting only $546 75, for press-work, is a legitimate charge, and, therefore, we consider that it is an error against the State of $5,826 90. Of this amount, about $2,500 is for folding and stitching, charged at 1 cent per page: and we find 1¼ cents is again charged, in the account for printing the Journals, on the entire Appendix; thus making the Appendix cost 2¼ cents per page for folding, stitching and covering, whilst the body of the Journals cost but 1¼ cents per page. We also find that 170,000 Foreign Miners' Licenses are charged as 356 reams, each single license being estimated at the one four-hundred-and-eightieth part of a ream, and the whole are charged as rule work, at $35 per ream, making the cost $12,600, or about 7½ cents per license, which is equal to 2½ per cent. upon the amount for which it is issued. A portion of this immense cost may be justly attributable to the late Comptroller, for not designating how many licenses should be printed on a sheet. An examination, however, shows that the actual mode in which they were printed and delivered was two on a sheet, which reduces the number of reams chargeable, 50 per cent.; and it also shows that they contain no work, such as is known among printers as rule work; therefore, the most extravagant charge that could be made would be 178 reams at $25, or, a total of $4,450; leaving an error against the State, in this item, of $8,010.

This startling result, in what would, ostensibly, seem a small item of the State work, led us to investigate the vouchers for Poll-Tax Receipts. These we found charged in the same manner, every 480 single receipts being computed as a ream.

The following are the dates of the bills:

March 19, 1853, 94 reams, (45,000) @ $35,.....	$3,290
April 19, 1853, 42 reams, (20,000) do.	1,470
June 20, 1853, 73 reams, (36,000) do.	2,555
March 20, 1854, 210 reams, (100,000) do.	7,350
	$14,665

These receipts being printed five on a sheet, the total number of reams for which there is any possibility of charging for the above 201,000, is but eighty-

four, and there being no rule work in them, the price, according to the contract, should be $25 per ream, or a total of $2,100, which shows an overcharge during the year of $12,565 on 201,000 Poll-Tax Receipts.

As an evidence that eighty-four reams are all that can be charged for on the 201,000 receipts, we annex a statement of the account against the late State Printers, for furnishing for them the last 100,000 receipts, which were executed in a job office, distinct and separate from their own office. It will be seen that the basis of computation, as adopted by us, regarding the number of reams chargeable, is precisely the same as that charged by one printer to another.

March, —, 1854.

To ———————— Dr.

Printing 100,000 Poll-Tax Receipts, 42 reams, @ $		$
42 Reams of Paper,	@ $	$
		$

Having shown what we conceive to be errors, the amount of over $29,000, in the few vouchers examined by us, we recommend a thorough investigation of all the printing accounts of V. E. Geiger & Co., and G. K. Fitch & Co., and of Geo. Kerr, and of the parties doing the printing in Geo. Kerr's name, after his decease; and that a bill be passed prohibiting the Comptroller from drawing his warrant for any printing executed under the law of April 22d, 1852, or the Joint Resolution of February 3, 1853, until such investigation is made.

WM. M. LENT,
E. McGARRY.

A.

Sacramento, May 8, 1854.

Hon. D. P. Tallmadge, *Chairman Committee to investigate Printing Accounts of Messrs. V. E. Geiger & Co., and others.*

Sir:

The undersigned, Practical Printers, selected by the Committee to examine and compute printing accounts, beg leave to report, that they have collected the accounts and vouchers, so far as they could be obtained from the Comptroller's Office, and find the same to be voluminous and in an exceedingly confused condition. We have commenced the computation upon a basis which we deem to be correct, under the law, and under the oath administered by you as Chairman of the Committee; and thus far our calculations have produced results differing very materially from those shown on the face of the accounts.

From the character and magnitude of the errors against the State thus far

discovered, and the confused condition of accounts and vouchers, we are convinced that an examination, measurement and computation of each item in detail, would be required in order to arrive at a satisfactory result. The time to elapse, prior to the day fixed upon for the adjournment of the Legislature, would be entirely insufficient for this purpose.

We should be unable to make a thorough investigation, or even an approximation thereto, and, therefore, could not make a report that would be satisfactory to the Committee, or one upon which we would be willing to stake our reputation as men, or as members of the profession by which we obtain the means of livelihood.

We beg most respectfully to be discharged from the further computation of the accounts in question.

Your obedient servants,

P. C. JOHNSON,
C. T. INGHAM.

SACRAMENTO, May 8, 1854.

Hon. D. P. TALLMADGE, Chairman Committee:

The following printing accounts are selected at random, as the numbers of the vouchers will show, and computed with the following result:

NO. OF VOUCHERS.	AMOUNT ALLOWED.	OVERPAID	CHARGE FOR PAPER.	TRUE AMOUNT.
152	$965 00	$536 25	$60 00	$428 75
275	975 00	523 75	330 00	451 25
362	427 48			427 48
717	805 00	630 00	70 00	175 00
1187	35 00			35 00
602	516 50	249 00		267 50
266	60 00	10 00	10 00	50 00
1218	1,932 78	96 51		1,836 27
1186	364 35	1 74		362 71
1062	1,702 91	182 90		1,520 01
1054	319 66			319 66
		$2,230 15		$5,873 63

P. C. JOHNSON,
C. T. INGHAM.

B.

SACRAMENTO, May 11, 1854.

We have examined Assembly Bills of last Session, Nos. 36, 111, 119, 131 and 135, and find that the number of ems per page is 2,220.

P. C. JOHNSON,
J. O'LEARY.

Mr. Tuttle moved that five hundred copies of the report be ordered printed.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Colby and Coffroth, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Kendall, Livermore, Lyons, Mahoney, Moore, Tuttle and Whiting—13.

NAYS.

Messrs. Crenshaw, Grewell, Hook, McFarland, Peck and Sawyer—6.

Mr. Hagar reported back a bill for An Act to appropriate money, and to authorize the employment of Counsel to prosecute the right of the State to the Leidesdorff property.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 199, Appropriating money to pay Cornelius Cole for services to the State; and,

An Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County.

Respectfully,

B. McALPIN, Clerk.

The following message from the Assembly was also received:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, the following Senate Bills:

An Act to amend an Act to Incorporate the City of Sonora, passed May 1, 1851;

An Act authorizing John Caruthers to Build and Construct a Turnpike or Gravel Road from the City of Stockton to the Towns of Sonora and Columbia, in Tuolumne County;

Assembly Bill, No. 272, An Act to take possession and dispose of certain Water Lot Property in the Bay of San Francisco; also,

A Concurrent Resolution in reference to Deeds to Certain Property in the City of San Francisco.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

The following message was also received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, on yesterday, An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Contra Costa, and provide for the payment thereof;

An Act to authorize the Construction of a Lock on Alameda River;

An Act to authorize Fred. C. Kohler and Thomas H. Dowling to hold and occupy certain Lands in the Bay of San Francisco;

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings;

An Act to amend an Act concerning Fees in Office, passed May 1, 1851;

An Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. W. Langton;

An Act to amend an Act concerning Passengers arriving in Ports of the State of California, passed May 3, 1853; also,

An Act to abolish the Board of Supervisors in the County of Monterey and to confer the jurisdiction over County business upon the Court of Sessions;

An Act Regulating the Duties of Harbor Master of the Port of San Francisco, passed May 1, 1852; and

An Act to compensate H. Gomez Mauriz for translating into Spanish, and engrossing certain legislative documents.

All of which is herewith respectfully submitted.

B. McALPIN, Clerk.

Assembly Bill, No. 328, for An Act to amend an Act concerning Fees in Office, passed May 1, 1851.

Read a firrt time, and laid upon the table.

Assembly Bill, No. 338, for An Act Regulating the Duties of Harbor Master of the Port of San Francisco, passed May 1st, 1852.

Read a first time and laid upon the table.

Assembly Bill, No. 326, for An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

Read a first, second and third time, and passed.

Assembly Bill, No. 341, for An Act to authorize the Construction of a Lock on Alameda River.

Read a first time and laid upon the table.

Assembly Bill, No. 335, for An Act to Compensate H. Gomez Mauriz for Translating into Spanish and engrossing certain Legislative Documents.

Read a first, second and third time, and passed.

Assembly Bill, No. 323, for An Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. W. Langton.

Read a first, second and third time, and passed.

Assembly Bill, No. 337, for An Act to abolish the Board of Supervisors in the County of Monterey, and to confer the Jurisdiction over County business upon the Court of Sessions.

Read a first, second and third time, and passed.

Assembly Bill, No. 272, for An Act to take possession and dispose of certain Water Lot Property in the Bay of San Francisco.

Read a first time, and laid upon the table.

Mr. Coffroth in the chair.

Assembly Bill, No. 311, for An Act to adjust the Amount of Indebtedness of the County of Alameda to the County of Contra Costa, and provide for the payment thereof.

Read a first, second and third time, and passed.

Assembly Bill, No. 299, for An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and occupy certain lands in the Bay of San Francisco.

Read a first time, and laid upon the table.

Assembly Concurrent Resolution authorizing the Governor to accept certain Deeds or Conveyances.

Read, and adopted.

Mr. Catlin submitted the following report:

Mr. President:

The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 128, for An Act entitled an Act to prohibit the Erection of Weirs, or other Obstructions to the Run of Salmon, passed April 12, 1852, having had the same under consideration, report it back to the Senate, and recommend its passage.

WM. M. LENT,
A. P. CATLIN,
JAMES G. STEBBINS.

Assembly Bill, No. 128, for An Act to amend an Act to prohibit the Erection of Weirs, or other Obstructions to the Run of Salmon, passed April 12, 1852.

Read a third time, and passed.

On motion of Mr. Moore, a bill for An Act to reincorporate the City of San Francisco, was taken from the table.

The ayes and nays were demanded by Messrs. Wade, Crabb and Sawyer, upon the adoption of the first amendment of the Committee, which reads as follows:

"Amend section 4, by striking out all after the word 'Provided,' in line eighth, and before the words 'The Alderman, &c.,' and insert the following: 'The municipal election shall be held at the same time and places with the general election; and the officers to be elected under this charter shall be voted for at the next general election, and at the general elections annually thereafter.'"

And it was adopted by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, McFarland, Sprague, Tuttle and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardiner, Grewell, Hudspeth, Kendall, Kurtz, McGarry, Peck, Sawyer and Wade—12.

Mr. Sprague, of the Committee of Conference, appointed upon the disagree-

ing vote upon a bill for An Act to provide Revenue for the Government of this State, reported that the

Assembly should agree to recede from amendment to section 8.
Senate would concur in Assembly amendment to title of Article 4.
Assembly recedes from amendment to section 9.
Senate concurs in Assembly amendment to section 11.
Senate concurs in Assembly amendment to strike out section 12.
Assembly recedes from second amendment to section 13.
Assembly recedes from first amendment to section 14.
Assembly recedes from its amendment to section 18.
Senate concurs in Assembly amendment to section 54.
Insert, seventh line of section 112, after the word "Shasta," "and San Francisco."
Renumber the sections from section 11, consecutively.

R. T. SPRAGUE,
J. CONNESS.

The amendments to the Act to reincorporate the City of San Francisco were concurred in, and the bill was read a third time, and passed.

Mr. Tuttle reported, as correctly engrossed, Senate Bill, No. 21, for An Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

The following message was received from the Assembly :

Mr. President :

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 189, An Act to amend an Act concerning the Per Diem of Officers.

And have concurred in the report of the Committee of Conference upon the disagreeing vote of the two Houses upon the Revenue Bill.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 188, for An Act amendatory of an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853, was taken from the table.

The amendments of the Committee of the Whole were concurred in, and the bill read a third time, and passed.

Mr. Sawyer, Chairman of Committee on Enrolled Bills, submitted the following report:

Mr. President :

The Committee on Enrolled Bills have carefully examined Assembly Bills, entitled An Act for the Protection of Game;

An Act amendatory of an Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges, passed March 30, 1853;

An Act for the relief of John Boling, Sheriff of Mariposa County;

An Act to amend an Act concerning Corporations;

An Act to authorize Stephen K. Nurse to Build a Wharf in the County of Solano;

An Act in reference to the Journals of the Senate and Assembly;

An Act granting Joseph R. Beales and others, the right to Construct a Toll-Bridge across the Pajaro River; and,

An Act to Incorporate a State Agricultural Society and appropriate money for its support, and find the same correctly enrolled.

E. D. SAWYER,
Chairman.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 21, An Act amendatory of and supplementary to the Act entitled an Act to Regulate Proceedings in Civil Cases, have amended the same as therein shown;

An Act to provide J. S. Bradford with Duplicate Warrants, in lieu of certain warrants lost or destroyed;

Senate Bill, No. 150, An Act to fix the place of residence of certain State Officers; and,

Assembly Bill, No. 313, An Act to fix the place of Holding the Sessions of the Supreme Court.

Respectfully,
B. McALPIN, Clerk.

Senate concurred in Assembly amendment to the Practice Act.

Assembly Bill, No. 270, An Act to provide J. S. Bradford with Duplicate Warrants in lieu of certain warrants lost or destroyed.

Read a first, second and third time, and passed.

Assembly Bill, No. 316 for An Act to fix the place of Holding the Sessions of the Supreme Court, was read a first time.

Objection was made to the second reading, and the Chair decided that objection being made, the bill must lie over under the rule.

From which decision Mr. Sprague appealed.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. McGarry, Grewell and Walkup, and the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Crabb, Gardner, Grewell, De La Guerra, Hagar, Kendall, Kurtz, Lent, Livermore, Lyons, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade and Whiting—18.

NAYS.

Messrs. Catlin, Colby, Hall, Hudspeth, Keene, Sprague and Walkup—7.

On motion of Mr. Bryan, Assembly Bill, No. 310, for An Act for the relief of Capt. Harry Love, was taken up and read a third time.

Upon its passage, the ayes and nays were demanded by Messrs. McGarry, Kurtz and Hudspeth, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Colby, Crabb, Gardner, Grewell, Hall, Kendall, Kurtz, Leake, Lent, Lyons, May, Moore, McFarland, Peck, Sawyer, Sprague, Tuttle, Wade and Whiting—21.

NAYS.

Messrs. Hook, Hudspeth, Livermore, McGarry and Walkup—5.

Mr. Sawyer submitted the following report from the Committee on Enrolled Bills:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Act, viz:

An Act to amend an Act concerning the Per Diem of Officers of the Senate and Assembly, passed January 21, 1854.

E. D. SAWYER,
Chairman.

Mr. Lent moved that the President take up the business upon his table without particular order.

Agreed to.

Assembly Bill, No. 177, for An Act to amend an Act concerning the Salaries of Officers and pay of Members of the Legislature, passed May 11, 1852, was taken from the table.

Mr. Walkup moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded by Messrs. Coffroth, Sawyer and Tuttle, and it was lost by the following vote:

AYES.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Kendall, Peck, Sawyer, Wade and Walkup—11.

NAYS.

Messrs. Catlin, Coffroth, Colby, Hagar, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Sprague, Tutle and Whiting—15.

Mr. Sawyer moved to strike out "twenty-five hundred," and insert "two thousand."

Upon which the ayes and nays were demanded by Messrs. McGarry, Whiting and Lyons, and it was lost by the following vote :

AYES.

Messrs. Crabb, Crenshaw, Gardner, Grewell, Hook, Keene, Kendall, Peck, Sawyer and Walkup—10.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, De La Guerra, Hagar, Hall, Kurtz, Lent, Livermore, Lyons, Mahoney, May, Moore, McGarry, Sprague, Tuttle and Whiting—18.

The bill was then read a third time, and passed.

A bill for An Act entitled an Act to establish Steam Ferriage on the Bay of San Francisco, so as to increase the Revenue of the State and render San Antonio Creek Navigable, was taken from the table.

Mr. Whiting moved to strike out all after the enacting clause and insert.

The question being on striking out, the ayes and nays were demanded by Messrs. Whiting, Kurtz and Crenshaw, and it was lost by the following vote:

AYES.

Messrs. Coffroth, Colby, Grewell, De La Guerra, Hall, Lyons, Mahoney, Moore, McGarry, Sprague, Tuttle and Whiting—12.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Hagar, Hook, Hudspeth, Keene, Kendall, Kurtz, Lent, Livermore, May, McFarland, Peck, Sawyer, Wade and Walkup—18.

Mr. Coffroth moved to strike out the enacting clause.

Agreed to.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate, that the Assembly have, this day, passed Assembly Bill, No. 349, entitled An Act requiring Notice to be given of Application to the Legislature; also,

Senate Concurrent Resolution relative to a Tax upon Natives of China and Japan; also,

Assembly Bill, An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851; also,

Senate Bill, No. 203, for An Act to amend Section 674 of an Act entitled an Act to Regulate Proceedings in Criminal Cases, passed May 1, 1851, and have amended the same as therein shown; also,

That an error occurred in the engrossed copy of Assembly Bill, No. 261, An Act to amend Section 7 of An Act entitled an Act concerning the Office of Surveyor-General. The engrossed copy should have had an amendment, which was adopted by the House before the bill had been engrossed, "providing that Mileage be excepted;

And that the Assembly have amended Senate amendments to Assembly Bill, No. 188, An Act amendatory of an Act to provide for the Incorporation of Railroad Companies.

And they respectfully request your concurrence.

B. McALPIN, Clerk.

Assembly's amendment to Senate's amendment of An Act amendatory of an Act to provide for the Incorporation of Railroad Companies, was concurred in.

The Senate refused to concur in that portion of Assembly Bill for An Act to amend Section 7 of an Act entitled an Act concerning the Office of Surveyor-General, providing that "Mileage be excepted."

Senate Bill, No. 203, for An Act to amend Section 674, of An Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, was taken from the table, and the amendments of the Assembly concurred in by the following vote; the ayes and nays having been demanded by Messrs. Sprague, Tuttle and Livermore:

AYES.

Messrs. Crenshaw, Hager, Hall, Hook, Keene, Kendall, Lent, Livermore, May, McGarry, Peck, Sawyer, Tuttle and Walkup—14.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Leake, Lyons, Sprague, Wade and Whiting—8.

Assembly Bill, No. 349, for An Act explanatory of an Act to prohibit Lotteries, passed May 11, 1851.

Taken from the table, read first, second and third time, and passed.

Assembly Bill, No. 340, for An Act requiring Notice to be given of Application to the Legislature, was indefinitely postponed.

Assembly Bill, No. 235, for An Act to provide for the Erection of a Wharf at Santa Barbara.

Read a third time, and passed.

Senate Bill, No. 210, for An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same.

Read a third time, and passed.

Leave being granted, Mr. Leake submitted the following:

Resolved, By the Senate, the Assembly concurring, That a Joint Committee of one from the Senate and two from the Assembly, be appointed by the President of the Senate and Speaker of the Assembly, to examine the books and

accounts of the Comptroller and Treasurer of State, and make a settlement with said officers; said examination to commence at the point at which the Committee appointed at the last session ceased in their examinations. Also, the said Committee shall examine all vouchers, or other evidences of indebtedness of the State which has been paid by the State, and if they find such vouchers, or other evidences of indebtedness has been correctly audited by the said officers, or either of them, then they shall cause the same to be defaced, by writing across the face of such voucher, or other evidence of indebtedness, in large letters, the word "cancelled," and file the same again in the office to which it belongs; *Provided*, That the same Committee shall not have more than sixty days to discharge all the duties required of them by this resolution.

On motion of Mr. Crabb, the words "sixty days" were stricken out, and the words "thirty days" inserted.

Mr. Hagar moved to strike out, in the second line, the word "one," and insert "two."

Agreed to.

On motion of Mr. Tuttle, the following words were added to the resolution: "And said Committee shall be allowed twelve dollars per day."

Upon the passage of the resolution, the ayes and nays were demanded by Messrs. Crabb, Sawyer and Keene, and the following vote was had:

AYES.

Messrs. Catlin, Coffroth, Colby, Crenshaw, Hall, Kendall, Leake, Livermore, Mahoney, May, Sprague, Tuttle and Whiting—13.

NAYS.

Messrs. Bryan, Crabb, Grewell, Hagar, Hook, Hudspeth, Keene, Kurtz, McGarry, Peck, Sawyer, Wade and Walkup—13.

The Senate being equally divided, the President voted in the negative, and the resolution was lost.

Senate Bill, No. 188, for An Act to grant Certain Persons the right of using the Water Power of Mission Creek upon their own premises, was laid upon the table.

Assembly Bill, No. 237, for An Act fixing the times of Holding the several Courts authorized to be held by the County Judge of the County of Yola, was indefinitely postponed.

Assembly Bill for An Act to amend an Act concerning Passengers arriving in the Ports of the State of California, passed May 3, 1853.

Read a first and second time, and laid upon the table.

Assembly Bill, No. 209, for An Act to authorize and enable Dr. John B. Trask to complete his Geological examinations of parts of the State of California, was taken up.

Mr. Walkup moved to lay the bill upon the table.

Upon which the ayes and nays were demanded by Messrs. Peck, Bryan and Hagar, and it was lost by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Hudspeth, Keene, Kurtz, May, Peck and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hall, Kendall, Leake, Lent, Livermore, Lyons, Mahoney, McFarland, McGarry, Sprague, Tuttle, Wade and Whiting—16.

The bill was then read a third time, and, upon its passage, the ayes and nays were demanded by Messrs. Hook, Walkup and Coffroth, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Hall, Kendall, Leake, Lent, Livermore, Lyons, Mahoney, McFarland, Sprague, Tuttle, Wade and Whiting—15.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Hudspeth, Keene, May, Peck and Walkup—12.

Assembly Bill, No. 181, for An Act concerning the Organization of the Militia, was indefinitely postponed.

Senate Bill, No. 223, for An Act supplemental to an Act to Incorporate the City of Sacramento, passed March, 1851.

Read a first time, and, objection being made to the second reading, was laid over under the rule.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 140, An Act concerning Public Ferries and Toll-Bridges, have amended the same as therein shown.

Respectfully,

B. McALPIN, Clerk.

Senate Bill, No. 140, for An Act concerning Public Ferries and Toll-Bridges, was taken up, and, the question being upon concurring with the amendment of the Assembly, the ayes and nays were demanded by Messrs. Leake, Coffroth and Grewell, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hudspeth, Keene, Kendall, Leake, May, McFarland, McGarry, Peck, Sawyer and Wade—16.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Hook, Kurtz, Lyons, Mahoney, Moore, Sprague, Tuttle and Walkup—13.

Assembly Bill, No. 174, for An Act amendatory of an Act dividing the State into Counties and Establishing the Seats of Justice therein, passed April 25, 1851.

Read a third time and passed.

On motion of Mr. Hagar, the Senate took a recess to half past seven o'clock.

7½ o'clock.

The hour, to which the Senate had taken a recess, having arrived, the President took the chair, and called the Senate to order.

Mr. Hagar moved to reconsider the vote by which the Senate concurred in Assembly amendments to the Practice Act.

Upon which the ayes and nays were called by Messrs. Wade, Grewell and Tuttle, and was agreed to by the following vote:

AYES.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Hagar, Hook, Hudspeth, Keene, Kurtz, Lyons, Mahoney, Moore, McFarland, Sawyer, Sprague and Wade—16.

NAYS.

Messrs. Coffroth, Gardner, Grewell, Kendall, Leake and Tuttle—6.

The Senate then refused to concur in the amendment of the Assembly, and appointed as a Committee of Conference upon the disagreeing vote, Messrs. Sprague, Wade and Tuttle.

Mr. Sawyer submitted the following report:

Mr. President:

The Committee on Enrolled Bills have carefully examined Assembly Bills, entitled An Act for the relief of Capt. Harry Love;

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851;

An Act to amend an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, approved May 12, 1853;

An Act to provide J. S. Bradford with Duplicate Warrants in lieu of certain Warrants lost or destroyed;

An Act for the relief of Henry Wolgamuth;

An Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. W. Langton;

An Act to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative Documents;

An Act to abolish the Board of Supervisors in the County of Monterey, and to confer the jurisdiction over County business upon the Court of Sessions;

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings;

Concurrent Resolutions authorizing the Governor to receive from the City of Sacramento, any Deed, Conveyance, &c.;

An Act to provide for the erection of a Wharf at Santa Barbara;

An Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11, 1852;

An Act to adjust the amount of Indebtedness of the County of Alameda to Contra Costa and provide for the Payment thereof;

An Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other Obstructions to the Run of Salmon, passed April 12, 1852, and find the same correctly enrolled.

E. D. SAWYER,
Chairman.

Mr. Hagar, Chairman of the Judiciary Committee, reported back for the consideration of the Senate, Assembly Bill, No. 48, for An Act explanatory to an Act defining the Time of commencing Civil Actions in certain cases, approved May 4, 1854; also,

Assembly Bill, No. 191, for An Act to prevent the Absence of Judicial and other Officers from this State, recommending its passage; and,

Assembly Bill for An Act to amend an Act providing for Securing the State Prison Convicts, recommending its passage.

Mr. Sprague, of the Judiciary Committee, reported back Senate Bill, No. 208, for An Act to fix the Compensation of District Attorneys, recommending its passage.

Mr. Sprague also submitted the following report:

Mr President:

The Committee on Finance ask leave to report back to the Senate sundry communications from the several State Departments, and the Special Message of the Governor.

Upon the matters to which these communications refer, your Committee have heretofore specially reported, and the near approach of the final adjournment precludes any original action upon the important matters referred to in the recent Message of his Excellency, the Governor.

Respectfully,

R. T. SPRAGUE,
Chairman.

Mr. Hook, Chairman of the Committee on Vice and Immorality, submitted the following report:

Mr. President:

The Committee on Vice and Immorality beg leave to submit the following report:

No careful observer fails to read the destiny of a nation in the character of its people. Energy, intelligence and virtue, secure renown and prosperity; while vice and licentiousness debilitate the moral capacity, and destroy the courage to attempt, and the perseverance necessary to accomplish, grand and glorious achievements.

It is, then, with no common exultation, that the voice of the people is heard by us, when it loudly proclaims the necessity of some efficient check upon the moral evils heretofore prevalent in this State. Memorials expressing the wishes not merely of the signers, although they are thousands, but of the great majority of our citizens, have been presented to us, and clearly denote that a mighty change is in progress; the happy results of which can hardly be overestimated. It is doubtful if any law could have been enacted by the Legislature, that would have been more efficient in checking vice, than has been public opinion itself.

Four years ago, the gambling houses were the chief places of public concourse in our larger communities; yet, now, in one of our principal cities, the last of these notorious establishments has ceased to exist, and in all our towns, the practice has greatly diminished.

The progress of public opinion in reference to temperance, is also strongly marked. The peculiar pursuits and position of a majority of the people of this State, may preclude this reform from advancing with very great rapidity; but it has evidently a deep hold upon the community, and from the number and character of the memorials presented, it is inferred that a majority of the people will soon be prepared to receive a statute containing the prohibitory clause of the Maine liquor law.

The character of a considerable portion of the Chinese immigration to California is such, as to require the attention of the Legislature. It is well understood that many of the poorer class of females in China are purchased and held as slaves, by base and unprincipled men, natives of that country, and are brought to California, where their influence is calculated to vitiate the morals and debase the sentiments of our youth. Some of the larger cities have already set the example of establishing police regulations, banishing such persons from the more open haunts of shame—an example worthy of imitation, but which may require the confirmation of Legislative enactments.

The general policy of the large increase of a class of inhabitants, between whom and ourselves there can be but little sympathy, and who will diminish the price of labor without increasing the wealth of the State, is at least doubtful. The subject deserves the gravest investigation of our wisest statesmen.

As denoting the progress of morals, the increasing observance of the Sabbath as a day of rest, is noticed with gratification. Numerous and flourishing churches, of all denominations, exist in the principal towns throughout the State; while the large and respectable assemblages that regularly convene in the smaller mining and agricultural communities, prove the general interest felt upon religious subjects. So, too, the pleasing aspect of thousands of children in holiday attire, gathering statedly to the Sunday School, is a proof of the progress of virtue and sound principle.

With the increasing number of families, and the formation of fireside associations, there may be observed among our citizens a growing attachment to home,

and to the pleasures of enlightened and refined society. Our State is becoming studded with cottages, farm-houses and villas, where, in a climate not to be surpassed, upon a soil of exuberant fertility, amid scenery, exquisite beyond description, are collected family groups, glowing with health, beautiful with intelligence, bright with virtue and hope, whose home attachments are pure and strong, and who are the pride and glory of a free State. Education, wealth and prosperity, are the natural attendants upon such influences; and it is with confidence, and a just and noble reliance upon the virtue and intelligence of the people of California, that we regard our present progress as the harbinger of a still more glorious future.

G. W. HOOK,
Chairman.
WILLIAM H. LYONS,
D. B. KURTZ,
J. GREWELL,
G. W. COLBY.

On motion of Mr. Hagar, one thousand copies of the report were ordered printed.

Senate Bill, No. 204, for An Act to authorize the Treasurer of the County of Los Angeles to retain Money belonging to the General Fund of the State, for the benefit of the Los Angeles Rangers.

Read a second and third time, and, upon the passage of the bill,

The ayes and nays were demanded by Messrs. Tuttle, Bryan and Kurtz, and it was lost by the following vote:

AYES.

Messrs. Catlin, Colby, Grewell, Hudspeth, Kurtz, Lent, Lyons, Mahoney, May, McFarland, Peck and Wade—12.

NAYS.

Messrs. Bryan, Coffroth, Crenshaw, Gardner, Hagar, Hook, Keene, Kendall, Livermore, Moore, McGarry, Sawyer, Sprague, Stebbins, Tuttle and Whiting —16.

Mr. Kurtz moved to reconsider the vote by which the Concurrent Resolution to appoint a Joint Committee to examine the books, and settle with the Comptroller and Treasurer of State, was lost.

The ayes and nays were demanded by Messrs. Kurtz, Stebbins and Walkup, and it was lost by the following vote:

AYES.

Messrs. Crenshaw, Kurtz, Leake, Lent, Tuttle and Whiting—6.

NAYS.

Messrs. Bryan, Colby, Crabb, Grewell, Hagar, Hook, Hudspeth, Keene, Ken-

dall, Livermore, McGarry, Peck, Sawyer, Sprague, Stebbins, Wade and Walkup—17.

Senate Bill, No. 81, for An Act to amend the fifty-second section of an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, was taken up, and,

On motion of Mr. Catlin, was laid on the table.

Assembly Bill, No. 271, for An Act to authorize William F. McLean and George Colloway to build a Wharf in the County of San Francisco, beyond the western limits of the City of San Francisco, and near to said line, was taken up.

Mr. Gardner moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded by Messrs. Crabb, Bryan and Livermore, and it was lost by the following vote:

AYES.

Messrs. Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kendall, Peck, Sawyer, Walkup and Whiting—12.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Kurtz, Lyons, Mahoney, May, Moore, McGarry, Stebbins, Tuttle and Wade—15.

The bill was read a third time, and,

The ayes and nays demanded on its passage by Messrs. Gardner, Whiting and Keene, and it was passed by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Hagar, Kendall, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, McGarry, Sprague, Stebbins, Tuttle and Wade—20.

NAYS.

Messrs. Gardner, Grewell, De La Guerra, Hook, Hudspeth, Keene, Kurtz, Lyons, Peck, Sawyer, Walkup and Whiting—12.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 182, Declaring certain Rivers and Creeks Navigable, which is amendatory to former Acts; they, also, passed

Senate Bill, No. 94, the Deficiency Bill, and have amended the same as therein shown; and,

The Assembly have appointed Messrs. Myres, Griffith and Gordan on their part, as a Committee on the Practice Act.

B. McALPIN, Clerk.

The 1st, 2d, 3d and 4th amendments of the Assembly to Senate Bill for An Act making appropriations to meet the Civil Expenditures of the Government of this State, accruing prior to the 1st day of February, 1854, and estimated deficiencies heretofore made to meet the Current Expenses of Government from the 1st day of February, 1854, to the 1st day of February, 1855, were concurred in.

Upon concurring in the fifth amendment, making an appropriation of five thousand dollars to John B. Trask for Geological Survey of the State, the ayes and nays were demanded by Messrs. Crabb, Grewell and Wade, and the amendment was non-concurred in by the following vote:

AYES.

Messrs. Coffroth, Colby, Lyons, Mahoney, May, McFarland, Tuttle, Wade and Whiting—9.

NAYS.

Messrs. Bryan, Catlin, Crabb, Crenshaw, Gardner, Grewell, Hagar, Hook, Hudspeth, Keene, Kendall, Livermore, Moore, McGarry, Peck, Sawyer and Walkup—17.

The question being upon concurring in the sixth amendment of the Assembly, making an appropriation for Duncan, Sherman & Co., the ayes and nays were demanded by Messrs. Leake, Grewell and Peck, and it was non-concurred in by the following vote:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Grewell, Hudspeth, Kendall, Kurtz, Leake, McGarry, Peck, Sawyer, Wade and Walkup—13.

NAYS.

Messrs. Bryan, Coffroth, Colby, De La Guerra, Hagar, Keene, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Tuttle and Whiting—16.

Mr. Sprague submitted the following report:

Mr. President:

The Committee of Conference upon the disagreeing vote of the two Houses, on the amendment of the Assembly to Senate Bill, No. 21, have agreed that the Assembly recede from the amendment.

R. T. SPRAGUE, Senate
B. F. MYRES, Assembly

The report was concurred in.

Mr. Coffroth moved to reconsider the vote by which a bill for An Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the General Fund of the State, for the benefit of the Los Angeles Rangers, was lost.

Upon which the ayes and nays were demanded by Messrs. Tuttle, McFarland and Coffroth, and it was agreed to by the following vote:

AYES.

Messrs. Bryan," Coffroth, Colby, Grewell, De La Guerra, Hagar, Hook, Hudspeth, Kendall, Kurtz, Lent, Livermore, Lyons, Mahoney, McFarland, Peck, Sprague and Wade—18.

NAYS.

Messrs. Catlin, Crenshaw, Gardner, Keene, Leake, May, Moore, McGarry, Tuttle and Whiting—10.

The question being on the passage of the bill, the ayes and nays were demanded by Messrs. Tuttle, Keene and Leake, and it was passed by the following vote:

AYES.

Messrs. Catlin, Colby, Grewell, De La Guerra, Hudspeth, Kendall, Kurtz, Lent, Lyons, Mahoney, McFarland, Peck and Wade—13.

NAYS.

Messrs. Crenshaw, Gardner, Hook, Keene, Leake, May, Moore, McGarry, Sawyer, Sprague, Tuttle and Walkup—12.

Mr. Sprague moved that a Committee of Conference be appointed on the disagreeing vote on the Deficiency Bill.

Agreed to; and Messrs. Sprague, McFarland and Tuttle were appointed the Committee.

Senate Bill, No. 81, for An Act to amend the fifty-second section of an Act to Regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, was taken up.

Mr. Crabb moved to amend the first section in the fifteenth line, by striking out the words "Public Administrators," and inserting "Creditors," and in the sixteenth line, by striking out the word "Creditors," and inserting "Public Administrators."

Mr. Wade moved to strike out the proviso to the first section.

Upon which the ayes and nays were demanded by Messrs. Wade, Tuttle and Mahoney, and it was agreed to by the following vote:

AYES.

Messrs. Colby, Crabb, Gardner, Grewell, Hagar, Hook, Keene, Kurtz, Leake, Lent, Moore, Sawyer, Sprague, Wade and Walkup—15.

NAYS.

Messrs. Bryan, Catlin, Coffroth, De La Guerra, Lyons, Mahoney, McGarry, Tuttle and Whiting—9.

On motion of Mr. Coffroth, the bill was laid upon the table.

Mr. De La Guerra reported back Assembly Bill for An Act to prevent Stallions from running at large, and it was laid upon the table.

Assembly Bill, No. 220, for An Act to authorize William Roberts and others to build a Wharf at Bucksport in Humboldt County, was taken from the table, read a third time and passed.

Senate Bill, No. 176, for An Act to amend an Act concerning Divorces, passed March 25, 1851.

Read a third time and passed.

Assembly Bill, No. 264, for An Act to authorize Larkin Richardson to build a Wharf in Solano County.

Read a third time and passed.

Assembly Bill, No. 329, for An Act for the relief of Powel Weaver.

Read a third time, and, upon its passage, the ayes and nays were demanded by Messrs. Crabb, McGarry and Whiting, and it was passed by the following vote:

AYES.

Messrs. Bryan, Coffroth, Colby, Grewell, De La Guerra, Hudspeth, Keene, Kurtz, May, McFarland and Wade—11.

NAYS.

Messrs. Catlin, Crabb, Crenshaw, Gardner, McGarry, Peck, Sawyer, Sprague, Tuttle and Whiting—10.

Assembly Bill for An Act to provide for the appointment of Deputy County Treasurers, was taken from the table, read a third time and passed.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, the following Senate Bills:

An Act defining the Legal Distances from each County Seat in the State of California to the State Capital; and,

Senate Bill, No. 194, An Act allowing James Golden to collect Tolls on a certain Road in Sierra County; also,

Joint Resolutions in relation to Immigration of Coolies and others, who are not competent to become citizens; also,

Assembly Bill, No. 206, for An Act for the protection of Owners of Buildings, and other fixtures to the soil, in the Mining Districts of this State; and,

The Assembly have, this day, agreed to the Report of the Committee of Conference on the disagreeing vote upon the Practice Act; and,

Joint Resolutions tendering thanks of the Legislature to our Senators and Representatives in Congress;

And have passed Senate Joint Resolutions in relation to the Pacific Railway; also,

The Assembly have receded from their amendment in reference to the Appropriation for Duncan, Sherman & Co.;

And have appointed Messrs. James, Bradford and Gordon, on their part, as a Committee of Conference upon the disagreeing vote in reference to the appropriation for Mr. Trask.

B. McALPIN, Clerk.

Assembly Joint Resolutions in relation to the Immigration of Coolies and others, who are not competent to become citizens of the United States, into this State.

Read a first time, and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 12, to repeal An Act entitled an Act to provide for the Appointment of a Gauger for the Port of San Francisco, approved May 3, 1952; and,

They have also receded from their amendment in reference to the appropriation made for a Geological Survey.

Respectfully,

B. McALPIN, Clerk.

Senate Bill, No. 186, for An Act to prevent Fraud in the sale of Flour.

Read a third time, and passed.

Assembly Bill, No. 206, for An Act for the protection of Owners of Buildings, and other fixtures to the soil, in the Mining Districts of this State.

Read a first and second time, and referred to the Committee on Mines and Mining Interests.

Senate Bill for An Act to amend an Act to Regulate Proceedings in Criminal Cases.

Laid upon the table.

Assembly Bill, No. 279, for An Act to fix the Times of holding the Terms of the District Court throughout the State, was taken up.

Mr. Leake moved to lay the bill on the table.

Upon which, the ayes and nays were demanded by Messrs. Leake, Peck and Lyons, and it was agreed to by the following vote:

AYES.

Messrs. Catlin, Colby, Crenshaw, Gardner, Grewell, Hook, Hudspeth, Keene,

Kurtz, Leake, Lyons, McFarland, Peck, Sawyer, Sprague, Tuttle and Walkup—17.

NAYS.

Messrs. Bryan, Coffroth, Crabb, De La Guerra, Hagar, Moore, McGarry, Wade and Whiting—9.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, An Act in relation to the Supplies of Fuel, and other Contingent Expenses of the Legislature.

Respectfully,

B. McALPIN, Clerk.

Assembly Bill, No. 260, for An Act in relation to the Supplies of Fuel, and other Contingent Expenses of the Legislature.

Read a first and second time, and referred to the Committee on Contingent Expenses.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly have receded from their amendment to the Senate amendment to Assembly Bill, No. 261, in reference to the Surveyor-General's Office;

And passed this day, Senate Bill, No. 204, in reference to the Los Angeles Rangers; and,

Senate Bill, No. 210, to Fund the Debt of Mariposa County.

Respectfully,

B. McALPIN, Clerk.

Mr. Catlin gave notice that he would, on Monday, move to amend the fourteenth Standing Rule of the Senate, so as to make it unnecessary for the Senate to agree unanimously, for the purpose of reading a bill more than once on the same day.

And would also move to rescind the Resolutions offered by Mr. Crabb on Thursday last, in relation to the order of business after Friday last.

Also, to rescind a Resolution adopted, this day, in relation to the consideration of bills as they may be taken from the table by the President.

Mr. Grewell moved that the Senate adjourn.

The ayes and nays were demanded by Messrs. Sprague, Lent and Grewell, and it was agreed to by the following vote:

AYES.

Messrs. Bryan, Crabb, Crenshaw, Grewell, De La Guerra, Hook, Kendall, Livermore, Lyons, Mahoney, McGarry, Sawyer, Tuttle, Wade and Walkup—15.

NAYS.

Messrs. Catlin, Coffroth, Colby, Gardner, Hagar, Keene, Kurtz, Lent, McFarland, Peck, Sprague and Whiting—12.

So the Senate adjourned.

SAM. PURDY,
President of the Senate.

Attest:
John Y. Lind, Secretary.

IN SENATE.

Monday, May 15, 1854.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Benton.
The Journal of Saturday was read and approved.

The following messages were received from the Governor:

Executive Department,
Sacramento City, May 15, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to fix the Place of Residence of certain State Officers;

An Act for the relief of H. S. Jackson and William Buchanon;

An Act to create a Contingent Fund to Pay the Postage of the Members of the Legislature for the year 1854;

An Act authorizing John Caruthers to Build and Construct a Turnpike or Gravel Road from the City of Stockton to the Towns of Sonora and Columbia in Tuolumne County;

An Act appropriating money for the Payment of Cornelius Cole for services rendered as Agent of the State.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 15, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act to Incorporate the Town of Placerville;

An Act Defining the Boundaries between the Counties of Santa Barbara and San Luis Obispo;

An Act to fix the Compensation of the Board of Supervisors of Tuolumne County;

An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for the purposes therein named;

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott;

An Act amendatory of an Act to amend an Act relating to Corporations, passed May 18, 1853;

An Act to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller;

An Act to authorize the Comptroller to issue Duplicate Warrants.

JOHN BIGLER.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, a Concurrent Resolution rescinding the sixteenth Standing Rule of the Senate and Assembly, which is herewith presented.

Respectfully,

B. McALPIN, Clerk.

Assembly Concurrent Resolution rescinding the sixteenth Joint Rule, was read and adopted.

Mr. Sawyer submitted the following report:

Mr. President:

The Committee on Enrolled Bills presented, on Saturday last, to the Governor for his approval, the following Acts and Resolutions, viz:

An Act to create a Contingent Fund to Pay the Postage of the Members of the Legislature for the year 1854;

An Act to fix the Compensation of the Board of Supervisors of Tuolumne County.

An Act to authorize the Court of Sessions of Trinity County to levy a Special Tax for purposes therein mentioned;

An Act Defining the Boundaries between the Counties of Santa Barbara and San Luis Obispo;

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott;

An Act to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the Moneys of said Estate to James M. Waller;

Concurrent Resolotions granting leave of absence to John R. McConnell, Attorney-General of the State;

An Act explanatory of an Act entitled an Act to Prohibit Lotteries, passed March 11, 1851;

An Act for the relief of Capt. Harry Love;

An Act to amend an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, approved May 12, 1853;

An Act to provide J. S. Bradford with Duplicate Warrants in lieu of certain Warrants lost or destroyed;

An Act for the relief of Henry Wolgamuth;

An Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. W. Langton;

An Act for the Protection of Game;

An Act amendatory of an Act to provide for the Protection of Foreigners and to Define their Liabilities and Privileges, passed March 30, 1853;

An Act for the relief of John Boling, Sheriff of Mariposa County;

An Act to amend an Act concerning Corporations;

An Act to authorize Stephen K. Nurse to build a Wharf in the County of Solano;

An Act relative to the Journals of the Senate and Assembly;

An Act to amend an Act concerning the Per Diem of Officers of the Senate and Assembly, passed January 21, 1854.

An Act to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative Documents;

An Act to abolish the Board of Supervisors in the County of Monterey and to confer the jurisdiction over County business upon the Court of Sessions;

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings;

An Act to provide for the erection of a Wharf at Santa Barbara;

An Act entitled an Act concerning the Salaries of Officers and Pay of the Members of the Legislature, passed May 11, 1852;

An Act to adjust the amount of Indebtedness of the County of Alameda to Contra Costa and provide for the payment thereof;

An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other Obstruction to the Run of Salmon, passed April 12, 1852.

E. D. SAWYER,
Chairman.

Mr. Sawyer also submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined the following Acts and Resolutions, and find them correctly enrolled:

An Act to amend an Act to Incorporate the City of Sonora, passed May 1, 1851;

An Act to amend an Act entitled an Act declaring Certain Rivers and Creeks navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853;

An Act to amend an Act entitled an Act to Regulate Proceedings in Criminal Cases, passed May 1, 1851;

An Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County;

An Act to repeal an Act entitled an Act to provide for the Appointment of a Gauger for the Port of San Francisco, approved May 3, 1852;

An Act defining the Legal Distances from each County Seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.

An Act making Appropriations to meet the Civil Expenditures of the Government of this State, accruing prior to the first day of February, 1854, and estimated deficiencies heretofore made to meet the Current Expenses of Government from first day of February, 1854, to the first day of February, 1855;

Senate Joint Resolution tendering thanks of the Legislature to our Senators and Representatives in Congress;

An Act allowing James Golden to collect Tolls on a Certain Road in Sierra County;

Joint Resolution in relation to the Pacific Railway;

An Act concerning Public Ferries and Toll-Bridges;

An Act to provide Revenue for the support of the Government of this State;

An Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the General Fund of the State for the benefit of the Los Angeles Rangers;

An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same; and presented them to the Governor for his approval.

E. D. SAWYER,
Chairman.

Mr. Sawyer also submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled, the following Assembly Bills, entitled:

An Act to provide for the appointment of a Deputy County Treasurer;

An Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits;

An Act to amend section seven of an Act entitled an Act concerning the Office of Surveyor-General;

An Act concerning the Office of Secretary of State;

An Act to authorize Larkin Richardson to Build a Wharf in Solano County;

An Act amendatory of an Act entitled an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853; and presented the same to the Governor for his approval.

E. D. SAWYER,
Chairman.

Mr. Sawyer also submitted the following report:

Mr. President:

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Assembly Bills, entitled:

An Act to authorize Wm. F. McLean and George Colloway, to Build a Wharf in the County of San Francisco, beyond the northern limits of the City of San Francisco, near to said line;

An Act to authorize Wm. Roberts and Others, to Build a Wharf at Bucksport in Humboldt County;

An Act to Fund that portion of the Debt of Trinity County accruing previous to the 12th day of May, 1853, apportioned to Humboldt County, and provide for the Payment thereof;

An An amendatory of an Act dividing the State into Counties and Establishing the Seats of Justice therein, passed April 25, 1851;

An Act to amend section seven of an Act concerning the Office of Surveyor-General; and presented them to the Governor for his approval.

E. D. SAWYER,
Chairman.

Mr. Sawyer also submitted the following report:

Mr. President:

The Committee on Enrolled Acts have examined the Concurrent Resolutions relative to C. Fox, upon natives of China and Japan, and find the same correctly enrolled; also,

Concurrent Resolutions relative to Soldiers of 1812.

E. D. SAWYER,
Chairman.

Mr. Lyons in the chair.

Mr. Catlin submitted the following resolution:

Resolved, That the Sergeant-at-Arms be allowed the usual fees for arresting absent members on a call of the Senate, the number of arrests being two hundred and eighty-eight, at two dollars for each arrest—five hundred and seventy-six dollars; and the Comptroller is hereby authorized to draw his warrant on the State Treasurer for the same.

Mr. Walkup moved to amend the resolution, by adding, "the Comptroller to reserve the same out of the per diem of the absent members."

Upon which the ayes and nays were demanded by Messrs. Tuttle, Sprague and Walkup, and it was lost by the vote:

AYES.

Messrs. Gardner, De La Guerra, Hook, Lent, Lyons, Sprague, Tuttle and Walkup—8.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, Hagar, Hall, Kendall, Kurtz, Leake, May, McGarry and Wade—15.

The vote recurring upon the adoption of the resolution, the ayes and nays were demanded by Messrs. Sprague, Tuttle and De La Guerra, and it was adopted by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Grewell, Hall, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Lyons, May, McGarry, Peck and Wade —18.

NAYS.

Messrs. Gardner, De La Guerra, Hager, Hook, Sprague and Walkup—6.

A communication from Horace W. Carpentier, relative to the Report of the State Prison Inspectors, was read and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, a Concurrent Resolution, in reference to Duncan, Sherman & Co, which is herewith

Respectfully submitted,

B. McALPIN, Clerk.

The resolution was read, and,

Mr. Catlin moved that the Senate concur, which motion the Chair decided out of order, and it was laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, Senate Bill, No. 181, An Act to authorize the Comptroller of State to issue Duplicate Warrants to Smith, Brother & Co.; also,

A Concurrent Resolution in relation to a State University; and

A Senate Concurrent Resolution granting leave of absence to the County Treasurer of Tuolumne County; and,

Senate Bill, No. 209, for An Act to authorize and enable Dr. John B. Trask to complete his Geological examination of parts of the State of California.

B. McALPIN, Clerk.

The Concurrent Resolution in reference to the State University was received, and laid upon the table.

Mr. Hall, Chairman of the Committee on Military Affairs, reported back the Annual Report of the Quarter-Master and Adjutant-General; and,

A communication from John A. Dreibelbis.

Mr. Coffroth reported back petitions referred to the Tuolumne Delegation.

Mr. Kendall reported back a petition referred to the Tuolumne Delegation.

Mr. Colby moved to rescind the resolution passed on Friday, prohibiting the transaction of business after Saturday, so far as to take from the table a bill for An Act for the Protection of Settlers, which the Chair decided to be out of order.

Mr. Colby appealed from the decision of the Chair; and the question being, "Shall the decision of the Chair stand as the judgment of the Senate;" the ayes and nays were demanded by Messrs. May, Bryan and Tuttle, and the Chair was sustained by the following vote:

AYES.

Messrs. Crabb, Gardner, Grewell, De La Guerra, Hook, Hudspeth, Kendall, Kurtz, Leake, Lent, May, Moore, McFarland, McGarry, Peck, Wade, Walkup and Whiting—18.

NAYS.

Messrs. Bryan, Catlin, Coffroth, Colby, Crenshaw, Hagar, Livermore, Sawyer, Sprague and Tuttle—10.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 15, 1854.

To the Senate of California:

I have, this day, approved an Act, which originated in the Senate, entitled An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

In explanation of the approval of this Act, it is proper to state, that I believe there exists necessity for the additional Judicial District, thereby created, but I also believe that an acquiescence by the Legislature in my views, as expressed in several messages in opposition to granting leave of absence from the State to Public Officers, and especially, Judges of Courts, would have rendered unnecessary the creation of this new District.

Believing, however, that erroneous action on the part of the Legislature, should not, if it can be avoided, operate to the inconvenience or injury of the people, I deem it my duty to approve the Act in question.

It is proper, further, to state, that I have been informed by the Clerk of the County of San Francisco, that the fees paid, and by law appropriated to the Judge, will nearly pay the salary which he is entitled to receive, and that but a small amount will be required from the State Treasury to meet the deficiency.

For these considerations, I deem it my duty to approve the Act above mentioned.

JOHN BIGLER.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 15, 1854.

To the Senate of California:

An Act entitled An Act making Appropriations to meet the Civil Expenditures of the Government of the State, accruing prior to the first day of February, 1854, and estimated deficiencies in appropriations made to meet the current expenses of Government from the first day of February, 1854, to the first day of February, 1855, is returned, herewith, without approval.

This bill appropriates for the purposes therein named, the large sum of five hundred and twenty-eight thousand two hundred and nineteen dollars and sixteen cents, and this amount is in addition to the appropriations made to defray expenses of Government, in an Act, approved March 21, 1854; the appropriations in which, amounted to six hundred thousand four hundred and eighty dollars. The appropriations in the two bills amount, in the aggregate, to one million one hundred and twenty-eight thousand two hundred and nineteen dollars and sixty-three cents.

The Act herewith returned, contains a considerable amount of appropriations which have been heretofore paid in pursuance of existing laws, and their payment noted in the last annual report of the Comptroller of State.

A part of the appropriations made in this bill are believed necessary and proper, and the bill, if so amended as to exclude the amounts which have been heretofore paid, and by the late Comptroller so reported, will, by me, be cheerfully approved. This bill, it is proper to state, was delivered by the Enrolling Committee after eight o'clock last (Sunday) evening, and received attention early this morning, and is returned for reconsideration at the earliest moment possible.

I hope you will, if possible, reconsider and so amend the bill as to exclude from it all the amounts heretofore paid, and reported paid, by the late Comptroller of State.

I would, also, in this connection, remark, that I have not been able to discern, in any of the appropriation bills before me, a *direct* appropriation for the payment of the interest on the Civil Debt of the State.

Your attention is invited to this subject, and if additional legislation be necessary to enable the Treasurer to pay the interest, I hope it will receive favorable consideration before adjournment.

JOHN BIGLER.

Mr. Colby moved to rescind the resolution prohibiting the transaction of business after Saturday last.

Mr. Hagar moved to proceed to reconsider the Act making appropriations to meet the Civil Expenditures of the Government of this State, accruing prior to the first day of February, 1854, and estimated deficiencies heretofore made to meet the current expenses of Government from the first day of February, 1854, to the first day of February, 1855, returned by the Governor with his objections.

The Chair decided the motion in order.

From which decision Mr. Sprague appealed; and the question being, "Shall the decision of the Chair stand as the judgment of the Senate;" the ayes and nays were demanded by Messrs. Sprague, Colby and Bryan, and the Chair was sustained by the following vote:

AYES.

Messrs. Bryan, Catlin, Coffroth, Crabb, Crenshaw, Gardner, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Kendall, Kurtz, Leake, Moore, McFarland, McGarry, Peck, Sawyer, Tuttle, Wade, Walkup and Whiting—25.

NAYS.

Messrs. Colby and Sprague—2.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor," the following vote was had:

AYES.

Messrs. Catlin, Crabb, Crenshaw, Gardner, Grewell, Hudspeth, Keene, Kendall, Kurtz, Leake, May, McFarland, McGarry, Peck, Sprague and Wade—16.

NAYS.

Messrs. Bryan, Coffroth, Colby, Hagar, Hall, Lent, Livermore, Lyons, Mahoney, Moore, Tuttle and Walkup—12.

On motion of Mr. McFarland, the Senate took a recess to half past seven o'clock.

7½ o'clock.

The hour having arrived to which the Senate had taken a recess, the President took the chair, and called the Senate to order.

The Journal of the morning session was read and approved.

Mr. Keene asked and obtained leave to withdraw the claim of Charles N. Hall.

Mr. Sawyer submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following resolution, viz:

Senate Concurrent Resolution granting leave of absence to Peter O. Bertine, Esq., Treasurer of Tuolumne County, for four months.

E. D. SAWYER,
Chairman.

Mr. Sawyer also submitted the following report:

Mr. President:

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, to wit:

An Act to authorize the Comptroller of State to issue Duplicate Warrants to Smith, Brothers & Co.

An Act to authorize and enable Dr. John B. Trask to continue his Geological examination of parts of the State of California; also,

Assembly Act for the relief of Powell Weaver, and presented them to the Governor for his approval.

E. D. SAWYER,
Chairman.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly passed, this day, the accompanying resolution to appoint a Joint Committee to wait on the Governor and ascertain whether he has any further communications to make prior to the final adjournment of the Legislature, and have appointed Messrs. Van Cleft, Myres and Whitman on their part.

Respectfully,
B. McALPIN, Clerk.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 15, 1854.

To the Senate of California:

I have, this day, approved the following Acts which originated in the Senate, viz:

An Act defining the Legal Distances from each County Seat in the State of California;

An Act to amend an Act entitled an Act to Regulate Proceedings in Criminal Cases, passed May 1st, 1851;

An Act to amend an Act concerning the Per Diem of Officers of the Senate and Assembly, passed January 21, 1854;

An Act to amend an Act entitled an Act declaring certain Rivers and Creeks Navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853;

An Act to authorize the Comptroller of State to issue Duplicate Warrants to Smith, Brothers & Co.;

An Act to amend an Act to Incorporate the City of Sonora, passed May 1, 1851;

An Act allowing James Golden to collect Tolls on a certain Road in Sierra County;

An Act concerning Public Ferries and Toll-Bridges;

An Act to Fund the Debt of the County of Mariposa and provide for the payment of the same;

An Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the General Fund of the State, for the benefit of the Los Angeles Rangers;

An Act to authorize and enable John B. Trask to complete his Geological Examination of parts of the State of Callfornia; and,

An Act entitled an Act to provide Revenue for the Support of the Government of this State.

It is proper here to state, on the eve of your final adjournment, that the several relief bills approved this session, only received my signature after having the assurance of Senators and members of the Assembly from the respective counties in which the claimants reside, that the claims were equitable and valid.

JOHN BIGLER.

On motion of Mr. Sprague, the Senate took a recess to half past ten o'clock.

The hour having arrived to which the Senate took a recess, the President took the chair, and called the Senate to order.

Mr. Coffroth asked and obtained leave to withdraw the claim of —— McNees, and the papers on file in the Senate pertaining to the same.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly is now ready to adjourn "*sine die.*"

B. McALPIN, Clerk.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 15, 1854.

To the Senate of California:

I have, this day, approved the following Act, which originated in the Senate, viz:

An Act amendatory of and supplementary to an Act entitled an Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State.

JOHN BIGLER.

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May —, 1854.

To the Senate and Assembly of California:

Your Committee inform me that you are ready to adjourn, and desire to know whether I have any further communication to make.

In response, I cannot refrain from expressing sincere regret that all the more important measures required by the people, have been defeated, either by a direct vote, or delay in acting upon them.

The bill providing for the Extension of the Water Front of the City of San Francisco, passed the Assembly, but was defeated in the Senate, by an adjournment of that body on Friday last, before it could be received and read a first time.

This important measure, if it had received your sanction, would, in a comparatively short period of time, have secured the payment of the entire State debt, and relieved the people from the burden of taxation, in which they have heretofore acquiesced patiently, believing that the present Legislature would provide for their relief, by the appropriation of those ample means so entirely within their reach.

The bill providing for the selection of the balance of School, Seminary and other Public Lands, to my great surprise, met with determined opposition, and was finally defeated.

I deeply regret the defeat of this bill, because a failure, for another year, to select these lands, will doubtless place beyond the reach of the State, all the more valuable public lands which might now have been secured, and, of course, to some extent, deprive the rising generation of the benefits of the liberal donations made by Congress.

The bill providing for the protection of actual settlers, although passed in the Assembly by a large majority, failed to receive the approval of the Senate.

I had indulged the hope that this measure, so exceedingly important to the interests of the great mass of agriculturists, would have received your willing approval. This hope, confidently indulged, no less by the people than myself, has not been realized, and the duty will again devolve upon them of selecting representatives, before favorable action on the subject can be obtained.

Notwithstanding that the evidence of the Auctioneers themselves has been presented, to the effect that the "State duties," are, by them, uniformly, collected to the amount, annually, of not less than one hundred thousand dollars, measures have not been adopted to compel payment into the treasury. It is proper to state, that although interested persons have most unremittingly assailed and misrepresented this measure, the amended bill provided effectually against monopoly, and allowed every person to engage in the business of an Auctioneer, by giving sufficient bond for faithful compliance with the provisions of the Act, and should have received the approval of your bodies, as a measure essentially necessary for the interests of the State.

You have, more than once, been invoked to adopt the necessary measures to secure for the State the Leidesdorff, and two other escheated estates, amounting, in value, in the aggregate, to, at least, two millions of dollars. But this recommendation, like others equally important, has not, in any effectual manner, been sanctioned; and it is now quite probable, that, before the meeting of another Legislature, new difficulties will arise to prevent their recovery by the

State. Prompt and decisive action, in relation to these estates, would have added, at least, two millions to the School Fund.

The necessity for amendment and revision of the several Acts on the Statute Book relating to Corporations, was so apparent, and the evidence so clearly before you, that protection to the rights and interests of the people, required your interference, that I never doubted, even for a moment, that you would take favorable action on the subject, before adjournment. But, like the other important measures referred to, the people must again give expression to their views, before proper legislation in relation to corporations can be obtained.

Amendments to the Constitution have been repeatedly recommended, which, if adopted, would annually lessen the expenditures of government not less than three hundred thousand dollars. This recommendation, like most others made, has not been carried into effect by necessary legislation.

It is well known that vigorous effort is now being made by our Delegation in Congress, and others, to secure the restoration of the "Civil Fund," and the assumption by the General Government of the War Debt. In order to have the statements accounts and vouchers, relating to these important matters, so prepared that Congress could properly understand them and legislate intelligently in relation thereto, action on your part was deemed necessary. It is to be hoped, however, that this neglect will not seriously interfere with the favorable action of Congress on these important subjects.

Your attention was also directed to the fact, that Congress, disregarding the wishes of the people of this State, as expressed by the Legislature in 1852, has authorized the Superintendent of Indian Affairs to set apart five reservations, and locate the various tribes of Indians within the limits of the State. This is not only a departure from the course pursued by the General Government for more than half a century, but cannot fail to be alike injurious to the people of the State and the Indians themselves. Not a word of remonstrance, on your part, has been sent to the Councils of the Nation, and it is, therefore, presumed, that this policy, injurious as it will certainly prove to be, is fastened upon the State.

Complaints from the people have been made, in almost every form, in relation to the vast immigration from Asia and the Islands of the South Pacific, which is now crowding our mines, to the injury of our own people, and filling our principal cities and towns with a population, ignorant alike of our language and laws. By special message in 1852, I expressed fully my views on this subject, and did not deem it necessary, at this session, to renew them—especially as the people, through the press and other channels, were making known their opinions and desires in relation to the subject; but cannot refrain expressing the opinion that a judicious enactment in reference thereto, should have been passed before your adjournment.

While you have failed to appropriate the vast means belonging to the State, and apply them to the payment of her debt and the support of Government, you have been lavish in appropriations for various objects, exceeding, in the aggregate, one million three hundred thousand dollars, from a large portion of which, ($528,219 16,) I have felt constrained to withhold my sanction.

In conclusion, I would repeat, that I sincerely regret that these various measures, so highly important to the interests of the State, and which, in the late canvass, received the unmistakeable indorsement of the people at the ballot-box, have not received your favorable consideration.

Our common constituents, confidently anticipated that wise and salutary measures would be adopted to meet the wants of the State, and that a thorough system of reform would characterize the legislation of the session now drawing to a close. They hoped and believed that early provision would be made for

the speedy payment of existing indebtedness, and that the finances of the State would be placed on a firm basis. By the timely and judicious appropriation of those vast means which the liberality of Congress, and the unequaled resources of this young State have placed immediately within our reach, this undoubtedly might have been accomplished, and the State of California prepared to meet any future exigency that might arise.

These just hopes and expectations, however, I regret to say, have not been realized; and now, at the close of a session of four and a half months, without any provision having been made for the payment of an increased State Debt, the people must, another year, bear oppressive and exorbitant taxation to meet the wants and requirements of a government, whose expenditures, under existing circumstances, necessarily exceed the receipts into the Treasury.

Having, as I believed, fully discharged my duty as required by the Constitution, and, from time to time, even at the risk of being considered importunate, directed your attention to these various subjects, it only remains for me, in conclusion of this, my last communication with your honorable body, respectfully, to inform you that I have now no "further communication to make."

JOHN BIGLER.

Mr. De La Guerra asked and obtained leave to withdraw a substitute for Assembly Bill in relation to Common Schools.

Mr. Sprague submitted the following report:

Resolved, That the thanks of the Senate be tendered to the Hon. John Y. Lind, Secretary of the Senate, and John H. Stewart, Assistant Secretary, for the able, efficient, and highly satisfactory discharge of their respective official duties during the present session.

The resolution was unanimously adopted.

Mr. Leake requested and obtained leave to have his name entered upon the Journal in favor of the Joint Resolutions in relation to the Nebraska Bill.

Mr. Kurtz was also granted leave to have his vote similarly recorded.

Mr. Coffroth in the chair.

Mr. Moore submitted the following:

Resolved, That the thanks of the Senate be tendered the Hon. Samuel Purdy, President of the Senate, for the able and impartial manner in which he has presided over the deliberations of this body during its present session.

The resolution was unanimously adopted.

The President spoke as follows:

Senators:

I thank you, from my heart, for this kind expression you have given me of your kind feelings. As the presiding officer of the first branch of our State Legislature, I feel, and my conscience tells me, I have, on every occasion, acted faithfully and impartially. When I entered upon my duties, a controversy was

pending—much excitement prevailed, and was continued until near the present time, during which I received from you every indulgence and courtesy; and it is my duty now to express the deep sense I entertain of the confidence you have reposed in me.

Accept, gentlemen, this brief but sincere acknowledgment for the politeness I have had the pleasure of receiving at your hands, and also my warm wishes for your future prosperity and welfare.

I now declare the Senate adjourned, *sine die*.

SAM. PURDY,
President of the Senate.

I hereby certify the foregoing pages contain a true and correct copy of the proceedings of the Fifth Session of the Senate of the State of California.

JOHN Y. LIND,
Secretary.

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Document No. 1.

IN THE SENATE.] SESSION OF 1854.

REPORT

OF THE

SURVEYOR GENERAL

OF THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

REPORT.

SURVEYOR GENERAL'S OFFICE,
Benicia, December 15th, 1853.

SIR:

In compliance with the statute, prescribing the duties of the Surveyor General, I submit the following report:

STATE MAP.

The Map ordered by the Legislature, at the session of 1851, was commenced immediately after the close of the session, and diligently prosecuted as per my last annual report.

The Map was completed in March last, on the first of April it was sent to New York to be engraved, which has been done and a few copies received per last steamer.

The delivery of the copies required for the State, (as per bill) for distribution amongst the State offices and members of the last Legislature, has been delayed on account of detentions on the Isthmus; recent advices, however, assure us that they will be delivered within a few days.

COUNTY BOUNDARIES.

This subject, which has, heretofore, caused so much difficulty, is gradually settling down to its proper place, and so far as I can learn, there will not be a single seat contested on the question as to boundary.

In the fall of 1852, the county authorities of Sacramento called upon me to run a portion of the boundary, between that county and El Dorado and San Joaquin counties. This was done by the County Surveyor of Sacramento, acting under directions from this office, and duly reported by me to the authorities ordering the survey.

In the month of October last, I was called upon by the Board of Supervisors of the counties of San Francisco and Santa Clara, to run the boundary line between those counties, which I proceeded at once to do, the work has been completed, and the maps will be forwarded to the respective counties, and one retained in this office so soon as complete.

COUNTY SURVEYORS AND ASSESSORS.

In compliance with the 10th section of the "Act concerning the Office of Surveyor General," Statutes 1850, page 157, I addressed the following circular to to the County Surveyors and Assessors in each county in the State.

The circular to County Surveyors is marked in the appendix "A," and the circular to County Assessors is marked in the appendix "B."

I would again recommend, that the law making it the duty of County Surveyors to transmit such reports, be amended, or else provisions made for their payment while engaged in such duties,

It is entirely foreign to the business of a surveyor to collect any data respecting the items mentioned in section nine of the act referred to above, except so far as the quantity of land is concerned, and the requirements made of County Assessors is equally oppressive, unless provision be made to pay for the necessary labor.

The number of reports sent in is conclusive, that parties will not work without pay, and therefore the law is entirely inoperative, and had better be repealed or properly amended.

The number of reports received for the present year, up to this date, is three from County Surveyors, and two from County Assessors.

As the census is taken once in five years, and as its returns are very full upon all points of interest in an agricultural point of view, and as all results under the present system must be very imperfect, I would suggest the doing away of the present system, and the relying entirely upon the census returns for statistics of agriculture.

SCHOOL LANDS.

Under the Act of the Legislature "to provide for the disposal of the 500,000 acres of land granted to the State by an Act of Congress," there has been issued, (as I am informed by the Comptroller) 806 warrants for 160 acres each; and 321 warrants for 320 acres each; making a total of 231,680 acres, of which, in obedience to the law requiring quarterly returns to be made to this office of all locations of said warrants, there has been returned to this office, and duly registered the certificates of survey for 131,380 acres. A tabular statement of which, by counties is more fully set forth in appendix marked "C."

I again call your attention to an omission in the law, as it now stands, which is productive of great confusion at the least, and affords an opportunity, for the Commission of great frauds. It is this—the law does not pro-

vide that when a warrant is located, that the proper officer shall endorse upon the back of said warrant *the date* and *place* of such location, and there is nothing to prevent the same warrants being located in several counties. In many instances the returns have come to this office without the numbers of the warrants so located, and others, where there was more than one warrant, the quantity to each number not given, only the gross amonnt.

Again, instances have occurred where the same warrants were located in two different counties, and the fact not ascertained until the returns came into this office.—The party making the locations was applied to for an explanation of the matter; his reply was, "that he intended to 'float,' but as yet, had not made his election, which piece he would keep."

He is, at the same time, in a position to reap a double benefit from his warrant; for, it is not to be supposed, that a party who might wish to take up this land, would look further than the county records of the county in which the land lay. In my circulars, I requested the County Surveyors, in all cases, to endorse the location upon the back of the warrant, and also to return the numbers of the same; still, as there is no law *requiring it to be done*, it is optional with the holder of the warrant, whether he will permit it or not.

I would, also, suggest the propriety of another amendment, in regard to floating warrants, to wit:—that when any warrant is *floated*, in addition to the registration of the "*float and the reasons therefor*" being made "a matter of record at the time, in the office where the original location was recorded;" a certified copy of such registry shall be forwarded to the office of the Surveyor General, who will thus be enabled to determine, at once, any fraudulent locations.

FORM FROM GENERAL LAND OFFICE.

The Commissioner of the General Land Office at Washington, has issued an important circular, relative to the location of School Lands, which I have deemed proper to insert in the appendix, and marked "D."

All of which is respectfully submitted,

WM. M. EDDY,
Surveyor General.

To His Excellency, JOHN BIGLER,
Governor of California.

APPENDIX A.

SURVEYOR GENERAL'S OFFICE,
Benicia, July 1st, 1853.

SIR:

I respectfully call your attention to the following extracts, from the Laws, bearing upon the duties of your office, in its connection with the office of Surveyor General.

First. From the "Act concerning the office of Surveyor General," passed April 17th, 1850.

SEC. 9.—"He shall deliver to the Governor annually, on or before the 15th of December, his report," which shall contain,

Second. "An accurate statement of the progress he may have made in the execution of the surveys enjoined on him by law, and in the preparation of the Map of the State."

Third. "An estimate of the aggregate quantity of land belonging to the State, and the best information he may be able to obtain as to the characteristics of the same."

Fourth. "An estimate of the aggregate quantity of all lands used for or adapted to tillage and grazing within this State, and each county of the State, together with a description of the locations in which the same may be situated."

Fifth. "An estimate of the aggregate number of horses, cattle, sheep and swine, within the State, and each County of the State."

Sixth. "An estimate of the aggregate quantity of wheat, rye, maize, potatoes, grapes, and other agricultural productions of the preceding year."

Seventh. "An estimate of the aggregate quantity of all mineral lands within the State, and each County of the State, and the quantity and value of each mineral produced during the preceding year, together with a description of the localities in which such minerals may be found."

SEC. 10.—"He shall address a circular letter to the *County Surveyors* and County Assessors and County Assessors, instructing them, and it is hereby made a part of their official duties, to use their utmost diligence in collecting information relative to each and every matter mentioned in the ninth section of this Act, and to transmit to him quarterly, at the seat of Government, a report in writing setting forth result of their inquiries."

Sec. 11.—"He shall, with his Annual Report, transmit to the governor all reports which he may have received from his Deputies, and other persons, as mentioned in the tenth section of this Act."

All reports containing the above required information must be mailed to this office, at Benicia, not later than the first of December, in order that they may be embodied in my Annual Report, which I am required to make on or before the fifteenth of December.

Second. From the School Land or 500,000 acre land bill.

"An Act to provide for the disposal of Five Hundred Thousand Acres of Land granted to this State by Act of Congress."

Sec. 3.—"The parties purchasing such warrants, and their assigns, are hereby authorized, in behalf of this State, to locate the same upon any vacant and unappropriated lands belonging to the United States, within the State of California, subject to such location, but no such location shall be made unless it be made in conformity with the law of Congress, which law provides that not less than three hundred and twenty acres shall be located in a body."

Sec. 4.—"Lands thus located shall be run off by a line, North and South and East and West, and shall be sufficiently designated by lines and distances, corners, or posts, as the case may be, and an entry be made thereof in the office of the Clerk of the County Court of the County in which such lands shall be located."

Sec. 5.—"The location made of the lands belonging to the United States, as aforesaid, shall secure to the purchaser the right of possession to the land embraced within said survey until such time as the Government survey shall have been made, after which said lines shall be made to conform to the lines of sections, quarter sections, and fractional sections of said government; and in the event that two or more persons shall have made a location on the same section, then, and in that event, the person whose location embraces the largest portion of said section, quarter section or fractional section, shall be first entitled to said location of the same.

Sec. 6.—"If in the survey to be hereafter made by the General Government, it shall so happen that the improvement made by any person purchasing and locating land under this Act, shall not comprise the larger part of the first survey, then, and in that case, the party may, if they prefer it, retain that portion which has upon it their buildings and improvements, although it may be the smaller portion of said section, quarter section, or fractional section. *Provided*, nothing herein contained shall authorise such location upon any lands heretofore granted by this State, or by the General Government, or on lands at the time of such survey and location, actually occupied and improved by actual settlers, unless such location be made by the owner of such improvements, not to exceed six hundred and forty acres by any one person. *Provided, also*, that nothing herein contained shall

prejudice the ownership or possession of any lands at the time of survey and location held or claimed under grants from the Mexican or Spanish Governments; *And provided, moreover*, that at the time of making said location, the first settler, or owner of any improvements situated on the tract proposed to be located, shall in all cases have the preference.

SEC. 7.—" In the event that any location of lands be made under and by the provisions of this Act, upon lands supposed to belong to the United States, which should prove to be land not the property of the United States, then, and in that case, the party owning such land warrant or warrants may float the same upon any other public lands in the State of California, provided the float, and the reasons therefor, be made a matter of record at the time, in the office where the original location was recorded.

SEC. 10.—" Lands located under the provisions of this Act, shall be surveyed by the *County Surveyor* in each county where the location is made, who shall give a certificate setting forth the bounds and the number of acres contained in such survey, and shall receive for his services such fees as are now or may hereafter be provided by law.

SEC. 11.—" The Clerk of the County Court shall make a record of all certificates of land located under the provisions of this Act, which may have been run off by the proper officer, and shall be entitled to receive from the owner of such location three dollars for such services.

SEC. 12.—" The County Surveyor of the respective counties of this State, at the end of every three months from the taking effect of this Act, shall make out and forward to the office of the Surveyor-General of the State, without fee for the same, a duplicate copy of each plat or survey and certificate of location of any land warrant made under the provisions of this Act, in their respective counties, and for failure so to do shall be liable to a fine of not less than five thousand dollars, recoverable before any court of competent jurisdiction, on the complaint of any person or persons in interest.

N. B. All lines run as required above in section 4, north, south, east and west, must be run by the *true meridian* and not *magnetic*, so as to conform to the lines of the U. S. Land Surveys, and the Act takes effect from the first of June, 1852.

Having had many inquiries made to me in reference to the various constructions of law relative to " School Land Warrants," I deem it proper to add the following suggestion:

1st. The boundaries of all lands located under " School Land Warrants" must run north, south, east and west, by the *true meridian* in all cases, except where one or more of the sides are such *natural boundaries* as will be taken under the U. S. Land Surveys to make fractional sections.

2d. Fractional sections are made in the United States Surveys whenever the lines strike any bay, lake or navigable stream.

I suppose that in this State our mountain streams will in most cases be

regarded as natural boundaries when they become too large to measure across without triangulation.

3. Swamp or overflowed lands being at present the property of the State and not of the United States, cannot be taken as school lands.

4. The number of the warrants must in all cases be returned to this office, with your report of the survey.

5th. In the event that no school land warrants are located in your county you will notify this office of the fact.

It is necessary that a transcript of all locations of school lands be filed in the office of the U. S. Land Register, so that the necessary patent may issue to the State, and in order to do so you are requested to report to this office the number of the section or subdivisions which are covered by any location, at the earliest moment after the United States Surveys are made in your vicinity.

Particular attention is called to these instructions, as the object is to prevent the United States officers from offering for sale any lands that may be covered by school land warrants.

Please acknowledge the receipt of this circular at once, and direct to San Francisco.

Respectfully Yours,

(Signed) WM. M. EDDY,
Surveyor-General.

APPENDIX B.

Surveyor General's Office,
Benicia, June 15th, 1853.

Sir:

I respectfully call your attention to sections *nine* and *ten* of the "Act concerning the Office of Surveyor General, passed April 17th, 1850, and in accordance therewith request from you a report upon the matters referred to, in the *third*, *fourth*, *fifth*, *sixth* and *seventh* paragraphs of the ninth section.

You will find the law referred to, on pages 256 and 257 of the Statutes for 1850.

Your report must reach me before the 1st of December, in order that it may be included in my Annual Report, which I am compelled to make on the 15th of December.

Please acknowledge the receipt of this Circular (by mail.)

Your Obd't Serv't,

WM. M. EDDY,
Surveyor General.

APPENDIX C.

COUNTIES.	No. OF ACRES.
Alameda,	320
Butte,	960
Calaveras,	3.200
Colusi,	2,080
Contra Costa,	7,040
El Dorado,	960
Humboldt,	
Klamath.	640
Los Angeles,	
Mariposa,	
Marin,	7,520
Mendocino,	6,400
Monterey,	2.240
Napa,	2,720
Nevada.	960
Placer,	1,120
San Diego,	
San Bernardino,	
San Luis Obispo,	
Santa Barbara,	
San Francisco,	19,360
San Joaquin,	7,680
Santa Clara,	14,080
Santa Cruz,	6,400
Sacramento,	6,720
Shasta,	320
Sierra,	
Siskiyou,	
Sonoma,	1.920
Solano,	22,580
Sutter,	
Tulare,	1,920
Trinity,	3,040
Tuolumne,	4,480
Yola,	3,840
Yuba,	2,600
Total,	130,380

APPENDIX D.

LOCATION OF STATE LAND WARRANTS.

The Circular and instructions from the Commissioner of the General Land Office, contain very important information, determining a question about which much uncertainty has heretofore existed—the location of School Land Warrants issued under the State law for the disposition of the 500,000 acres ceded to California for Internal Improvements.

REGISTER'S OFFICE,
Benicia, Cal, Dec. 19, 1853.

EDITORS TIMES AND TRANSCRIPT:

GENTLEMEN:—

Enclosed I send you the letter of the Commissioner of the General Land Office, and accompanying Circular, in direct relation to the location of State School Land Warrants on the public domain, in part satisfaction of the grant made by Congress, under the Act of 4th Sept., 1841; and as this is a question of great importance to many citizens of our State, you will do me a great favor by publishing them in full.

Respectfully,
Your Obedient Servant,
WM. W. GIFT,
Register, &c.

GENERAL LAND OFFICE,
November 16, 1853.

W. W. GIFT, ESQ.,

SIR:—

I am in the receipt of your letter of the 7th ult, in which you state that the State of California, by an Act of its Legislature, passed in 1852, has authorized the issuing of warrants to be located upon Government lands in quantities of not less than 160, nor more than 640 acres, in part satisfaction of the grant of 500,000 acres for Internal Improvements, made by

an Act of Congress, approved the 4th Sept., 1841. That some of these warrants "have been located as far back as eighteen months since, and are now being re-located in order to comply with the requisitions of the Acts of Congress;" that these locations are working serious injury to the actual settlers, and you request instructions as to whether these evidences of title shall be received in preference to those of the settler.

The 8th section of the Act of 4th Sept., 1841, making the grant of 500,000 acres to the States for Internal Improvement, requires that the selections shall be made in such manner as their respective Legislatures shall direct; to be located, however, "in parcels conformably to sectional divisions and sub divisions of not less than *three hundred and twenty acres* in any one location."—"at any time after the lands of the United States in said States respectively shall have been surveyed according to existing laws" Enclosed, I send you a copy of the Circular of Instructions from this office, issued under this Act, and dated the 6th of August, 1847: by a careful adherence to the requirements of which, much future embarassment may be obviated. The 5th section of this Circular requires "that the selecting agent should file in your office an authenticated copy of his letter of appointment, or other satisfactory evidence of his authority." You will, therefore, carefully observe that each of these State Warrants bears upon its face evidence of the authority of the party by whom the application for location may be presented, to select lands for the State under the 8th section of the Act of 4th Sept., 1841.

The date when these warrants are filed in your office, and the simultaneous application to enter, becomes the date of the selection by the State; it follows, therefore, that no one 160 warrant can be located, as the law requires the selections to be made in parcels of not less than 320 acres. Two or more 160 warrants, however, though in different hands, may be located *at the same time* upon contiguous lands. By this, I mean, at the same *instant* of time. Thus, two or more warrantees may make conjoint application to enter a body of land equal to the value of their warrants; but a holder of one 160 acre warrant cannot at a later period, even of the same day, locate a tract, though it may be contiguous to land previously selected.

Accompanying this, I send you a form of a list to be used by you in reporting these selections to this office for approval. You will send up these lists, accompanied by the warrants of the State upon each of which, the locator must endorse his application to select, which application will supercede the necessity for their signing the printed form at the bottom of the list. When these lists shall have been examined at this office, such of the selections embraced thereby as are valid, will be *certified to the State*. This office does not recognize the warrants or their assigns in any other light than as the agents of the State, and no patents will be issued to them.

You will be pleased to caution the locators against selecting any swamp or overflowed lands, as all such will be certified to the State, under the Act of 28th September, 1850. I am, Sir,

Very respectfully, your obedient servant,

JOHN WILSON, Commissioner.

WM. W. GRET,
Register of the Land Office, Benicia, California.

STATE SELECTIONS.

[*Circular to the United States Registers.*]

GENERAL LAND OFFICE,
November 16, 1853.

W. W. GIFT, Esq.,
Register Land Office, Benicia.

SIR :—Herewith you will receive a copy of the 8th section of the Act of the 4th September, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights."

In order to facilitate the business of State selections under this Act, I have to draw your attention to the following :

1st. The whole area to which the State of is entitled under this law is acres.

2d. The Act requires the selections to be "in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, &c.

Under this requirement a selection may include a whole section or a fractional section ; or an island containing three hundred and twenty acres, more or less ; provided the State, where the quantity is less than the prescribed number of acres, will agree to accept the same for and in lieu of a tract containing the full quantity of three hundred and twenty acres, but not otherwise.

Or it may embrace—

The east, west, north or south half of a section, or two adjoining quarters of different sections, or any number, even of the smallest legal subdivisions of different sections ; provided the tracts selected adjoin each other, and form compact parcels, containing together not less than three hundred and twenty acres.

3d. The selections must be based upon the official township plats of the public surveys, which are required to be approved by the Surveyor-General, and on file in the local Land Office, at the time of filing the selection.

4th The law allows selections to be made upon public lands, whether offered or unoffered. But no State selection is admissible upon any land to which a pre emption, or other valid claim shall be legally established, nor on any land which "is or may be reserved from sale by any law of Congress or proclamation of the President of the United States," nor upon any tract which is reserved or withdrawn from market for any purpose whatever.

5th. The selecting agent of the State should file in your office an authenticated copy of his letter of appointment, or other satisfactory evidence of his authority : and it it important and necessary that he should make such careful and thorough preliminary examination as will enable him to select lands to which there may exist no valid claim by pre emption or otherwise, and not to avoid the embarrasments and delays consequent upon such conflicts, you will also examine the plats, records and papers

in your office, before the lists of lands so selected are filed, and see that such selections are in all respects free from such objections.

6th. If, notwithstanding such precaution, the State shall hereafter select lands which shall be found to be interfered with by any prior and better claim or claims, the selection to the whole extent of such claim or claims will of course be null and void; and if such valid claim or claims shall only extend to a part of the selection by the rejection of which the remaining portion or portions shall be reduced, to one or more detatched bodies below the quantity of three hundred and twenty acres, the part or parts not interfered with may nevertheless be confirmed, provided the State will accept each detatched parcel, which may thus be reduced to less than three hundred and twenty, as equivalent to and in lieu of the full quantity of three hundred and twenty acres; otherwise, such parts or parcels will be rejected on the ground of the land not forming the compact parcel required by law.

7th. That the action of this office may be uniform, it is hereby determined, from the date of this circular, that when selections are reported to this office which are found to conflict with the declaratory statements of pre-emptors, the approval of that part of the selection thus covered by such statement, together with such portion as may not be interfered with, but which would be less than three hundred and twenty acres, if the part covered by the declaration should be confirmed to the claimant, will be suspended to await the final result of the pre emption claims, which if not established at the expiration of the period allowed by law, the selection of the State will then be approved.

8th. Should a tract of land selected by the State and rejected on the ground of not forming the compact parcel required by law, it is no bar to its being re-selected, provided other land, not interfered with, is selected in connection with it so far as to form the compact parcel of three hundred and twenty acres, or more, as the case may be. Should such re-selections be made they are required to be embraced in an entire new list, bearing the number of the series at the time of such re-selection.

Herewith you will receive the form of a list to be used for selections:—This form requires the date to be given when the list is filed in your office, such date being regarded as the date of the selection, so that in the event of a pre emption or other conflict, the question as to priority of right may be properly settled. The lists should bear a regular series of numbers from No. 1, and should be signed by the agent. If the list is regular and complete you will enter up your selections on your books and mark them on the plats—sign the official certificate as to the correctness of the list of selections, and transmit the same to this office, in order that it may be submitted to the Secretary of the Treasury for his approval.

The law of Congress allows no commissions on this business.

You are requested to acknowledge the receipt of this circular, which is designed to embrace all the material principles in previous circulars in reference to this subject, and to be your rule of action in relation to this business in future.

Very respectfully,
Your ob't servant,
JOHN WILSON,
Commissioner.

NOTE.—The States designated in the first section of the Act of Congress, approved September 4th, 1841, entitled "An Act to appropriate the proceeds of the sales of the public lands; and to grant pre-emption rights," are—Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan.

ACT, 4TH SEPT., 1841.—SEC. 8. *And be it Further Enacted*, That there shall be granted to each State specified in the first section of this Act, five hundred theusand acres of land, for purposes of Internal Improvement: *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres; the selections in all of the said States to be made within their limits, respectively, in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and sub divisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress, or Proclamation of the President of the United States: which said locations may be made at any time after the lands of the United States in said States, respectively, shall have [been] surveyed according to existing laws. And there shall be, and hereby is granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission and while under a Territorial Government, for purposes of Internal Improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

AN ACT to authorize the Governors of the States of Illinois, Arkansas, and Missouri, to cause to be selected the lands therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the eighth section of the Act, entitled, "An Act to appropriate the proceeds of the sales of public lands, and to grant pre-emptions; approved September four, one thousand eight hundred and forty one, as provides that the selections of the grants of lands made in the States therein mentioned, for the purposes of Internal Improvement, shall be made, respectively in such manner as the Legislature thereof shall direct, is so far modified as to authorize the Governors of the States of Illinois, Arkansas, and Missouri, to cause the selections to be made for those States without the necessity of convening the Legislature thereof for that purpose.

Approved, March 19, 1842.

Document No. 2.

RULES AND ORDERS

OF THE

SENATE

OF THE

STATE OF CALIFORNIA.

SESSION OF 1851.

RULES AND ORDERS.

I.

The President shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

II.

After the reading and approval of the Journal, the order of business shall be as follows:

1st. Presentation of Petitions.
2d. Reports of Standing Committees.
3d. Reports of Select Committees.
4th. Messages from the Governor.
5th. Messages from the Assembly.
6th. Motions, Resolutions and Notices.
7th. Third Reading of Bills.
8th. Unfinished Business of the preceding day.
9th. Special Orders of the day.

III.

Messages from the Governor, State Officers, and from the Assembly, may be considered at any time.

IV.

The President shall cause the Secretary to make a list of all Bills, Resolutions, Reports of Committees, and other proceedings which are com-

mitted to a Committee of the Whole, and which are not made the order of the day for any particular day; which list shall be called "The General Orders of the day."

V.

All questions relating to the priority of business shall be decided without debate.

VI.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

VII.

The following are privileged questions, and shall have precedence in the order in which they are arranged:

1. To adjourn.
2. To lie on the table.
3. To postpone to a day certain.
4. To commit.
5. To amend.
6. To postpone indefinitely.

VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested during such time with all the powers of the President, but such substitute shall not lose the right of voting on any question while so presiding.

IX.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, he shall sit down. No member shall speak more than twice in any one debate on the same day, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

X.

When two or more members rise at once, the President shall name the member who is first to speak.

XI.

No motion shall be debated until the same be seconded and distinctly announced by the President, and it shall be reduced to writing if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

XII.

When a question is under debate, no motion shall be received but to adjourn; and a motion to fix the day to which the Senate shall adjourn, shall be always in order, and shall be decided without debate.

XIII.

Every Bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on the report of a committee, unless the Senate unanimously consent.

XIV.

Every Bill shall receive three readings previous to its being passed. The President shall give notice at each, whether it be the first, second or third; which readings shall be on different days, unless the Senate unanimously direct otherwise. No Bills shall be amended or committed until twice read.

XV.

When the ayes and nays shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall (unless for special reasons he be excused) declare openly and without debate, his assent or dissent to the question. In taking the ayes and nays, and upon the call of the Senate, the names of the members shall be taken alphabetically.

XVI.

All Committees of the Senate, and all Joint Committees on the part thereof, shall be appointed by the President, or in his absence by the President *pro tem.*, or in the absence of both by the acting President.

XVII.

In forming a Committee of the whole Senate, a Chairman to be named by the President, shall preside. Bills committed to a Committee of the whole Senate, in Committee of the Whole, shall be read by sections. All amendments shall be noted and reported to the Senate by the Chairman.

XVIII.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and nays shall not be taken.

XIX.

A motion that the committee rise shall always be in order, and shall be decided without debate.

XX.

No amendment shall be received at the third reading of any bill or resolution, unless by unanimous consent; but it may be in order before the final passage of any bill or resolution, to move its commitment or re-commitment, under special instruction.

XXI.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any member; if a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

XXII.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorised to send the Sergeant-at-Arms or any other person for any or all absent members, as the majority of such members present shall agree, at the expense of such absent member respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

XXIII.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the re-consideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn, but no motion for the re consideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate announcing its decision, nor shall any motion for re-consideration be in order unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be considered more than once.

XXIV.

The following standing committees shall be appointed.

1, Committee on Claims, to consist of three members.
2, " Finance, to consist of five members.
3, " Judiciary, to consist of nine members.
4, " Elections, to consist of three members.
5, " Public Lands, to consist of five members.
6, " Commerce and Navigation, to consist of five members.
7, " Federal Relations, to consist of three members.
8, " State Hospitals, to consist of five members.
9, " Mines and Mining Interests, to consist of seven members.
10, " Indian Affairs, to consist of five members.
11, " State Prisons and Public Buildings, to consist of three members.
12, " Education, to consist of three members.
13, " State Library, to consist of three members.
14, " Mileage, to consist of three members.
15, " Counties and County Boundaries, to consist of three members.
16, " Corporations, to consist of five members.
17, " Agriculture, Missions and Mission Lands, to consist of five members.
18, " Public Printing, to consist of three members.
19, " Roads and Highways, to consist of three members.
20, " Contingent Expenses of the Senate, to consist of three members.
21, " Military Affairs, to consist of five members.
22, " Public Expenditures, to consist of three members.
23, " Vice and Immorality, to consist of five members.
24, " Engrossed Bills, to consist of six members.
25, " Enrolled Bills, to consist of six members.

XXV.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

XXVI.

On a motion made and seconded to close the doors of the Senate, or the discussion of any business, which may, in the opinion of the Senate, require secrecy, the President shall require all persons except the Members, Secretaries and Door Keepers of the Senate, to withdraw, and during the discussion of the said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the Senate.

XXVII.

The Committee on Engrossed Bills, shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report. Report from the Committee on Engrossed Bills shall at all times be in order.

XXVIII.

When a resolution shall be offered on a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XXIX.

In all cases not provided for by these rules, Parliamentary Practice as laid down in Jefferson's Manual, and the rules of the Senate of the United States, is hereby adopted.

XXX.

The hour of meeting of the Senate shall be 11 A. M. of each day, (Sundays excepted) and in case any other is named, it shall be applicable only to the one day and shall not affect this rule beyond the day named for a different hour of meeting.

XXXI.

The rooms,-passages, and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, &c., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary Pages and Porters of the Senate.

XXXII.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and nays, on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present: nor shall a member be counted on a division of a vote, who was absent or without the bar of the Senate without leave.

XXXIII.

No suspension of the rules shall be made without the concurrence of two-thirds of all the members present; nor shall any additional rule, or any amendment of a rule be offered without one day's notice, and the concurrence of two-thirds of the members present.

XXXIV.

The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

XXXV.

When the ayes and nays shall be taken upon any question in pursuance of the above rule, no member shall be permitted under any circumstances whatever, to vote after the decision is announced from the Chair.

XXXVI.

All bills on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

XXXVII.

The final question upon the second reading of every bill or resolution, originating in the Senate, and requiring three readings previous to being passed, shall be "Whether it shall be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present, but it shall at all times be in order before the final passage of any such bill or resolution, to move its commitment under especial instructions, and should such commitment take place, and any amendment be reported by the Committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

XXXVIII.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the journals.

XXXIX.

The proceedings of the Senate, when not acting as in Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper, presented to the Senate, shall also be inserted in the journal.

XL.

Messengers are introduced in any state of business, except while a question is being put, while the yeas and nays are calling, or while the ballots are counting.

XLI.

Places may be assigned to Reporters by the President.

XLII.

In case of any disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate,) shall have power to order the same to be cleared.

XLIII.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XLIV.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XLV.

A President *pro tempore* shall be elected, whose powers shall be co-extensive with the President, and shall in the absence of the President, take the Chair and call the Senate to order at the hour of the meetings of the Senate.

XLVI.

When the Senate is equally divided, the Secretary shall take the decision of the President.

A Sergeant-at-Arms, shall be appointed to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself or special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at Arms, to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, to draw the money on such checks for the members, (the same being previously signed by the President and endorsed by the member or person to whom the check is made) and pay over the same to the member or person entitled thereto.

STANDING

COMMITTEES OF THE SENATE.

1, CLAIMS.

Walkup, Catlin, and Lent—3.

2, FINANCES.

Sprague, Keene, Hager, Crenshaw, and Colby—5,

3, JUDICIARY.

Hager, Sprague, Hall, Crabb, Smith, Catlin, Coffroth, Bryan, and Whiting—9.

4, ELECTIONS.

Stebbins, Mahoney, and Crabb—3.

5, PUBLIC LANDS.

Keene, Hager, Coffroth, McGarry, and Kurtz—5.

6, COMMERCE AND NAVIGATION.

Lent, Stebbins, Catlin, Moore, and McFarland—5.

7, PUBLIC EXPENDITURES.

Lyons, Hook, and Sawyer—3.

8, FEDERAL RELATIONS.

Coffroth, Tuttle, and Bryan—3.

9, STATE HOSPITALS.

Kendall, Leene, Mahoney, Hudspeth, and Peck—5.

10, MINES AND MINING INTERESTS.

Gardner, Walkup, Lyons, Coffroth, Hook, Peck, and Livermore—7.

11, INDIAN AFFAIRS.

Bryan, De La Guerra, McGarry, Wade and Hall—5.

12. STATE PRISON AND PUBLIC BUILDINGS.

Whiting, Kendall and Crabb—3.

13. EDUCATION.

McFarland, De La Guerra and Bryan—3.

14. STATE LIBRARY.

May, Lent and Sawyer—3.

15. COUNTIES AND COUNTY BOUNDARIES.

Leake, Livermore and Gardner—3.

16. CORPORATIONS.

Crenshaw, Hager, May, Wade and Bryan—5.

17. AGRICULTURE, MISSIONS AND MISSION LANDS.

De La Guerra, Grewell, Kurtz, Whiting and Kendall—5.

18. PUBLIC PRINTING.

Moore, Crenshaw and Walkup—3.

19. ROADS AND HIGHWAYS.

Colby, Smith and Stebbins—3.

20. CONTINGENT EXPENSES.

Hudspeth, Colby and Tuttle—3.

21. MILITARY AFFAIRS.

Hall, Whiting, Wade, Mahoney and McFarland—5.

22. ENGROSSED BILLS.

Tuttle, Lyons, Sawyer, Lent. Kendall and Leake—6.

23. ENROLLED BILLS.

Smith, Sprague, Crenshaw, Moore, May and Peck—6.

24. VICE AND IMMORALITY.

Hook, Colby, Grewell, Kurtz and Lyons—5.

25. MILEAGE.

Livermore, Wade and Sawyer—6.

JOINT RULES AND ORDERS

OF THE

SENATE AND ASSEMBLY.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee to confer, such Committee shall, at a convenient hour to be agreed on by their Chairman, meet in their Conference Chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II. When a Message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Door Keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

IV. Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

V. While Bills are on their passage between the two Houses, they shall be on paper and under the signature of the Secretary or Clerk of each House respectively.

VI. After a Bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill

may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VII. When Bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as Standing Committees for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VIII. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

IX. After a Bill shall have thus been signed in each House, it shall be presented by the said Committee to the Governor of the State for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated) and shall be entered on the Journals of each House. The said Committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

X. All orders, resolutions and votes, which are to be presented to the Governor of the State for his appropriation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same Committee as provided in the case of bills.

XI. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

XII. When a Bill or Resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XIII. When a Bill or Resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIV. Each House shall transmit to the other, all papers on which any bill or resolution shall be founded.

XV. After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XVI. No Bill or Resolution that shall have passed the Assembly and

Senate. shall be presented to the Governor for his approbation on the last day of the session.

XVII. No appropriations of money, for any purpose whatever, shall be made except by bill.

XVIII. No Spirituous Liquors shall be offered for sale, or exhibited within the Capitol, or public grounds adjacent thereto.

Document No. 3.

IN THE SENATE.] [SESSION OF 1854.

REPORT

OF THE

BOARD OF TRUSTEES

OF

THE INSANE ASYLUM

OF THE

STATE OF CALIFORNIA.

SUBMITTED TO THE LEGISLATURE, JANUARY 20, 1854.

[B. B. REDDING, STATE PRINTER.

OFFICERS OF THE ASYLUM.

BOARD OF TRUSTEES.

NELSON TAYLOR, President.
P. E. JORDON, Vice-President.
ANDREW LESTER.
J. K. SHAFER.
ENOCH GOVE.

SUPERINTENDENT AND PHYSICIAN,

R. K. REID, M. D.

ASSISTANT PHYSICIAN,

W. D. COWAN, M. D.

MATRON,

MRS. M. B. MASTERS.

TREASURER AND *EX-OFF.* SECRETARY,

W. W. STEVENSON.

REPORT OF BOARD OF TRUSTEES

OF THE

INSANE ASYLUM.

To the Legislature of California:

The Board of Trustees of the Insane Asylum of California, in compliance with law, respectfully submit the following Report of the management and condition of the Institution during the year preceeding the 31st day of December, A. D. 1853.

At as early a day as practicable, after their appointment, in the month of July last, the Trustees assembled in the city of Stockton and organized the Board by the election of a President, Vice President and Treasurer; and being impressed with the impor ance of the early completion of the unfinished building designed for the Insane Asylum, at once proceeded to take proper measures to contract for the same, and also for a two-story frame house, and for such fixtures and arrangements as were deemed necessary for the comfort and accommodation of patients. In accordance with the contract thus made, the Asylum was completed and ready for the reception of the Insane on the 8th day of October last—at which time they were removed from the wooden buildings in the city of Stockton, to the Asylum buildings.

By reference to the accompanying Report of the Superintendent to the Trustees (Table VI.) it will be observed that patients have been admitted from almost every county in the State, but a majority of the whole number has been received from San Francisco, Sacramento, and San Joaquin counties.

While such is the fact, it would, perhaps, be an error to suppose that these counties afforded more cases of insanity, in proportion to their population, than other portions of the State, for, many cases, before the Asylum was completed, were sent to them for safe keeping, and in some instances it is believed the Insane have wandered from the mines to the cities. From May 14, 1852, to December 31, 1853, two hundred and eighty-four patients were admitted into the Asylum, and during

the same period, one hundred and sixty were discharged recovered, and twenty-two died; leaving in the Institution at the date of this report, one hundred and two. During the last year, the number admitted was one hundred and sixty.

The number of patients received since the Institution has been established is a gratifying proof of the favorable regard in which it is held throughout the State, and affords the strongest evidence of its necessity. Under the management of the Resident and Assistant Physicians, it is believed that the number of cures effected will compare favorably with many of the best regulated institutions of like character in the Atlantic States and in other countries. And it is confidently expected, by constructing additional wards, so as to facilitate the better classification of the inmates, and by perfecting the interior arrangements, that its usefulness may be enhanced.

Already its blessings have been shed throughout the State, and numbers of poor beings within it, have been brought back to reason, and restored to friends and usefulness, who, without it, would have been required by the well-being and safety of society, to languish for years, perhaps for life, fettered and chained in a prison. It is this view of the case that enlists our liveliest sympathies in its behalf, and makes us feel the wisdom and humanity of its creation. For it would indeed be hard to doom our fellow beings to be shut up in dungeons on account of misfortune instead of crime.

From an examination of the Report of the Superintendent it will be seen that the number of inmates now in the Asylum is one hundred and two, and is increasing monthly—while the present buildings are incapable of accommodating more than eighty comfortably, and even when crowded cannot admit more than about one hundred. It is a well established fact that the crowded state of the Asylum has a bad tendency as respects the good order of the place, and our own short experience has fully demonstrated that any association between the violent insane, and those of a milder type, frequently exercises an unfavorable influence upon the latter class.

Under these circumstances we deem it proper to call to the attention of the Legislature, the propriety of making an appropriation for the erection of a main or centre building, immediately north of and adjoining the present one, three stories in height, and about fifty-five feet front by one hundred and thirty in depth. It is believed that a building of this size, when completed, will afford sufficient accommodations for the insane of the State, until its population shall become considerably greater than at present. And should it become necessary to enlarge, a wing may be erected on the north side of it, corresponding in appearance and dimensions with the present building, which, if this plan be carried out, will form the south wing of the Asylum.

It will also enable the Superintendent to establish additional wards and to make a more particular classification of the Insane—a measure at one conducive to the comfort of the patient and his recovery.

One or more of our number have visited the Asylum once a week and sometimes oftner. The result of these visits have been quite satisfactory; as we found the apartments cleanly and well ventilated, and the wants of the patients properly cared for.

Through the liberality and public spirit of Charles M. Weber, Esq., and the Common Council of the City of Stockton, the Asylum now owns one hundred acres of land, one block of which is within the corporate limits of said city, and the remainder north of and contiguous to it. A portion of this tract is well timbered with fine shade trees, and in point of beauty and fertility is unsurpassed by any in the vicinity of the city, of equal dimensions; and in a few years, will doubtless become very

valuable. It is now an open common, and to make it useful, it will be necessary to enclose it with a good and substantial fence And the Trustees respectfully recommend that the Legislature shall, during the present session, at as early a period as possible, make an appropriation for this purpose, in order that the coming crop of grass may be preserved and secured; and also as a protection to the shade trees upon the land, which are now being destroyed from time to time by the axe of the trespasser. It is believed that this tract of land, when properly enclosed and under cultivation will considerably lessen the expenses of the Institution, in furnishing vegetables and other supplies for it, inasmuch, as much of the labor necessary to produce them, can be advantageously performed by the Insane, thus giving them both exercise and recreation, which are conducive to health and comfort.

It is believed that the sum of eighty thousand dollars will be sufficient to erect the main building herein before mentioned, and furnish the same, and also to construct the fence enclosing the whole tract of land, and to purchase implements for cultivation. Such at least is the estimate of an experienced architect, who, we believe is entitled to our confidence.

There has been expended during the last year the sum of eighty-four thousand nine hundred and seventy dollars and eighty-eight cents, in Comptroller's Warrants and gold dust. The loss in the sale of warrants and gold dust, amounted in the aggregate to the sum of eleven thousand six hundred and fifty dollars and ninety-one cents, which being deducted from the above sum, reduces the actual cash expenditures of the Hospital and Insane Asylum, to seventy-three thousand three hundred and eleven dollars and ninety-seven cents, ($73,311 97.)

Of this sum, thirty-two thousand one hundred and eighty-four dollars and fifty cents, ($32,184 50) were expended in the completion of the Asylum, the erection of the frame buildings, kitchen, bath house and fixtures, and for lumber, furniture and cartage; leaving a balance of forty-one thousand one hundred and twenty-seven dollars and forty-seven cents ($41,127 47) appropriated to the payment of salaries, bills for sustenance, servant hire and rents.

The item of rent, which amounted during the last year to the sum of five thousand one hundred and eight dollars and fifty cents, ($5,108 50) is no longer a charge against the Institution, and has not been since the 8th day of October last, the date of removal of the patients from the rented premises, to the Asylum Buildings.

The close relations that existed between the Hospital and the Asylum prior to the 1st day of July, render it impossible for us to state the exact expenditures of each, or even to approximate to the amount very closely, for the number of patients in each constantly varied, and most of the bills made, were contracted for the common support of both.

The joint expenditures of the two, up to the first day of July, was about thirty-two-thousand eight hudred and sixty dollars and ninety-two cents, ($32,860 92.)

After the 30th day of June, no more patients were received in the Hospital, and those already in it were transferred to the Hospital in San Francisco.

Under the third section of the Act concerning the Asylum, the Trustees supposed they were authorized to draw fifty thousand dollars from the General Fund of the State for the purpose of building and completing the Asylum. But the Comptroller of the State differed with them in the construction of this section, and held that they had no right to draw any part of said sum, unless the amount realized from the commutation tax, exceeded the current expenditures of the Institution, which it was clear would not be the case. He therefore refused to draw his warrants for any portion of this appropriation. And in order to obtain the means necessary to complete and furnish the Asylum, the Trustees made an estimate of the same, and the accounts were allowed by the Board of Examiners, under the 3d section of the "Act

to abolish the present State Hospitals, &c," as accounts owing and unpaid by the Stockton Hospital on the 30th day of June, 1853.

From the 18th Section of the Act of 1853, to establish an insane Asylum, it appears to have been contemplated by the Legislature, that two-fifths of the moneys received from emigrants in commutation of bonds, would be sufficient to defray the current expenses of the Institution. In this supposition, however, they were much mistaken, as the whole amount realized from that source during the year ending December 31st, 1853, is only twelve thousand eight hundred and eighty dollars and twenty-six cents, ($12,880 26) which is subject to a reduction of two hundred dollars and fifty cents, [$200 50] loss sustained on account of the inferior quality of the gold dust, and the weight falling short; leaving the nett amount received from this source at the sum of twelve thousand six hundred and seventy-nine dollars, and seventy-six cents, [$12,579 76] a sum entirely inadequate for the purpose.

It appearing that the revenue from this source was entirely insufficient for purposes of support, and the liabilities of the Institution accumulating, without any fund to discharge them, in order to maintain our credit unimpaired, we were reduced to the necessity of applying for a loan until the meeting of the Legislature, which we fortunately effected from the Commissioners of the Funded debt of San Francisco, who very generously loaned the Asylum six thousand three hundred and twenty-nine dollars and fifty-eight cents, [$6,329 58] at the nominal rate of interest of ten per cent. per annum. The principal and interest of this debt on the first day of February will amount to the sum of six thousand five hundred dollars, [$6,500 00] which we have executed our obligations to pay at that time, feeling confident that the Legislature will approve the transaction and grant us the relief desired.

The outstanding indebtedness of the Institution, exclusive of the above, on the 31st day of December, amounted to about five thousand five hundred dollars [$5,500 00.]

For a more particular account of the financial condition of the Asylum, we refer to the Treasurer's Report herewith submitted.

In view of the number of patients, in the same ratio as during last year, the Trustees report that forty-eight thousand dollars will be required for the support of the Asylum during the next year, exclusive of the compensation of sheriffs for conveying the insane to the Asylum, which they recommend to be made payable out of some other fund, on account of the difficulty it would prevent in forming a correct estimate of the amount required for support.

Under section seventeen of the Act concerning the Asylum, the Trustees have fixed the rate of board, medical attention, &c., at ten dollars per week, but as yet have failed to realize anything from this source; although, they feel well convinced, in some instances, they have had patients who possessed ample means to defray their own expenses. As the law now is, they are compelled to receive all as State patients who may apply for admission, whether they possess the ability to pay or not. We conceive that a person, (even though unfortunate) who has means to provide for his own support, has no right to become an object of State charity, and, therefore, respectfully submit that the fourteenth section of the Act, above referred to, be so amended as to require the County Judge, who shall order the Lunatic to be conveyed to the Insane Asylum, to make inquiry into the means of said Lunatic, and determine whether he is a State charge or not, "and that he shall certify the result of the inquiry to the Trustees of the Asylum, in order that they may require a deposit before admission, and from time to time, and afterwards, if necessary, from such as have the ability to support themselves."

The adoption of this plan, or one similar to it, will result in a saving to the State, as under the present arrangement, it is impossible for the Trustees to have correct

information of the pecuniary circumstances of persons residing in remote parts of the State.

Section eight, of the same Act, requires that "all vouchers for expenditures shall first be examined and approved by the Board of Trustees, and when audited, the Comptroller of State is directed to draw his warrant, and the Treasurer of State to pay the same from the Asylum Fund." We respectfully submit that the foregoing section of the law operates very injuriously upon the interest of the Asylum, inasmuch as it virtually requires everything shall be bought on credit; and when purchases are thus made, the creditors from failing to present their bills at the proper time, are often delayed in the payment of the same, two, and sometimes as many as three months. This is a serious inconvenience to them, and an injury to us, as they, knowing these facts, charge us an additional per cent. upon our purchases. Economy requires that this section be so amended, as to authorize the Trustees, each month, to draw in advance an amount sufficient to cover the probable expenditures of the ensuing month.

We would also call the attention of the Legislature to the necessity of fixing a uniform rate of compensation for the sheriffs throughout the State, for conveying the insane to the Asylum; under the existing laws, regulating the fees and mileage of sheriffs, we sometimes meet with difficulties in auditing their claims, on account of the various statements regulating the subject, being of a local, rather than of a general character.

In conclusion, we take pleasure in expressing our approbation of the skill, care and attention which has been exhibited, during our term, by the Resident and Assistant Physicians in the discharge of their respective duties. And believing, as we do, that humanity, and an enlightened public sentiment requires it, we earnestly commend this Asylum to the favorable regard and fostering care of the Legislature, as one of the most useful and deserving of public charities.

All of which is respectfully submitted.

NELSON TAYLOR,
P. E. JORDON,
ANDREW LESTER.
J. K. SHAFER,
ENOCH GOVE.

Stockton, January 7th, 1854.

ANNUAL REPORT

OF THE

TREASURER OF INSANE ASYLUM

OF THE

STATE OF CALIFORNIA.

Stockton, December 31, 1853.

To the Board of Trustees of the

Insane Asylum of California:

Gentlemen:

Herewith you will receive my Report as Treasurer of the Asylum for year ending 31st inst.

Respectfully,

W. W. STEVENSON,

Treasurer Insane Asylum.

REPORT

OF THE

TREASURER OF THE INSANE HOSPITAL.

A. C. BAINE, IN ACCOUNT WITH STATE HOSPITAL AND INSANE ASYLUM.

			Dr.	Cr.
1853, Jan.	1,	To balance as per acc't rendered,	$1,567 65	
	14,	To gold dust from State Treasurer, 71 oz at $17 50,	1,242 50	
	14,	By discount and loss on dust,		$27 69
	14,	To State Bonds received,	3,751 33	
	14,	By loss on sale Bonds,		750 27
	6,	By amount paid balance rent to C. M. Weber,		250 00
	11,	" " S. W. Baldwin,		100 00
	11,	" " Granville & Homer,		43 00
	11,	" " Lathrop & Johnson,		46 00
	15,	" " Paige & Webster,		49 75
	17,	" " Ward & Vischer,		814 39
	17,	" " C. S. Holden & Co.		152 75
	17,	" " J. Gross & Co.,		650 00
	17,	" " W. H. Bond,		100 00
	17,	" " A. Taylor,		449 75
	18,	" " W. T. Robbins,		95 50
	18,	" " "		25 00
	19,	" " J. Gross & Co.,		99 26
	25,	" " P. E. Jordan,		104 70
	28,	" " Matron & servants,		535 00
	28,	" sundry expenses,		51 00
Feb	16,	To gold dust rec'd, 61¼ oz at $17 50,	1,075 80	
	16,	By loss on gold dust,		12 74
	16,	To State Bonds rec'd,	2,500 00	
	16,	By loss on Bonds,		450 00
	16,	To State Warrant,	554 74	
	16,	By loss on Warrant,		91 06
	5,	By am't paid J. Ferguson & Co.,		305 97
	10,	" L. M. Mards,		7 50
	11,	" J. Gross & Co.		99 00

A. C. BAINE'S ACCOUNT---CONTINUED.

		Dr.	Cr.
1853, Feb. 22,	By am't paid M. H. Bond,		$80 00
28,	" Bivan & Baranes,		174 88
28,	" Thompson & Co.		467 07
28,	" A. Taylor,		46 00
28,	" J. Gross & Co.		548 20
28,	" Discount on check,		6 03
March 16,	To gold dust, 205 oz at $17 50,	$3,587 50	
16,	By loss on gold dust,		43 50
16,	To State Bond,	1,000 00	
16,	By loss on sale of Bond,		180 00
16,	To Certificate,	48 60	
16,	By loss on sale of Certificate,		9 72
1,	By cash paid C. M. Weber,		52 00
4,	" S. M. Baldwin,		200 00
5,	" Marsh & Bro.,		12 00
5,	" Matron & Servants,		525 00
7,	" Todd's Express,		23 50
9,	" C. M. Weber,		250 00
10,	" Treasurer's salary,		500 00
12,	" R. K. Reid's salary,		1,000 00
12,	" Discount on checks.		4 23
7,	" Ward & Vischer.		100 00
19,	" Bivan & Baranes,		183 70
21,	" M. H. Bond,		130 00
21,	" A. Taylor,		266 00
22,	" Chinese Washman,		65 50
22,	" J. Gross & Co.,		100 00
23,	" Baldwin & Bro.,		400 00
24,	" W. D. Cowan's salary,		1,000 00
26,	" A Creaner & Co.		48 00
26,	" Trye & Ramsay,		72 00
26,	" F. Stewart & Co.		20 00
30,	" C. M. Kent,		750 30
April 1,	To State Warrants,	3,000 00	
1,	" Certificate,	148 92	
1,	By loss on sale of Bonds, am't of $2,000,		500 00
1,	To gold dust received,	971 25	
1,	To cash "	16 80	
1,	" "	77	
1,	By loss on sale of dust,		12 24
1,	By Warrant paid F. E. Corcoran,		500 00
1,	By Certificate " "		148 92
7,	By Warrant paid J. H. Milmore,		500 00
7,	By cash paid E. H. Holden,		216 63
9,	" Servant's wages,		605 00
18,	" Bivan & Baranes,		235 49
21,	" M. H. Bond,		60 00
23,	" Jordan & Co.,		160 30
26,	" T. C. Alexander,		80 00
26,	" J. Gross & Co.,		522 75
28,	" C. O. Burton,		18 45
May 10,	To 76¾ oz gold dust,	1,330 00	
10,	By loss on dust,		56
10,	To cash from license,	10 00	
10,	" "	15 00	
9,	By cash paid Matron and servants,		577 00
11,	" W. Ward,		1,113 57
16,	" A. Taylor,		470 00
16,	" Adams & Co.'s Express,		10 00
16,	" "		6 60

A. C. BAINE'S ACCOUNT—Continued.

		Dr.	Cr.
1853, May 16,	By cash paid Thompson & Co.,		$117 50
17,	" Jordon & Burgas,		85 80
19,	" Ruggles & Rudd,		536 69
19,	" A. C. Baine's acc't,		129 40
June 29,	" Paige & Webster,		352 91
29,	" John Gross & Co.,		174 00
29,	" W. Ward,		212 65
29,	" E. S. Holden,		76 50
29,	" P. E. Jordon,		56 00
29,	" A. C. Baine,		407 49
29,	" "		92 51
29,	" "		139 92
29,	To State Warrant	$1,000 00	
29,	By		154 00
Aug. 2,	By State Warrant paid over to W. W. Stevenson, Treasurer,		1,000 00
2,	To cash of W. W. Stevenson, Treas., to balance acc't.	68 69	
		$21,780 55	$21,780 55

W. W. STEVENSON, TREASURER, IN ACCOUNT WITH THE STATE INSANE ASYLUM.

		Dr.	Cr
1853, July 12,	To dust from Emigration Tax,	$3,456 51	
12,	To cash,	4 30	
12,	To State Warrants,	25,884 00	
12,	To cash,	51 75	
12,	By loss on sale of Warrants,		$4,195 52
12,	To dust from State,	1,116 64	
Aug. 18,	By loss on dust,		13 77
2,	To State Warrant rec'd from A. C. Baine, late Treas.	1,000 00	
2,	To State Warrant,	7,052 26	
2,	By loss on sale of above Warrant,		883 26
July 12,	By cash paid W. Ward,		3,000 00
14,	" premium on check,		51 75
14,	" May & Webster,		172 77
14,	" Grove & Knight,		512 95
14,	" W. Ward,		645 56
14,	" Moore & Frye,		132 00
14,	" Allen & Moore,		2 170 00
14,	" W. F. Robbins,		117 13
14,	" C. M. Weber,		750 00
15,	" M. H. Bond,		50 00
15.	" May & Webster,		546 72
15,	" Thompson & Co.,		72 00
15,	" Stockton Journal,		59 50
15,	" P. E. Jordon.		10 48
15,	" Baldwin & Bro.,		906 56
15,	" E. S. Holden & Co.,		73 87
15,	" W. L. Corvan, salary,		1,333 00
15,	" R. K. Reid,		1,648 50
15,	" T. O. Alexander,		170 00
15,	" Chinese washman,		88 75
16,	" servants' wages,		1,610 00
16,	" L. C. Sanderson,		6 00

W. W. STEVENSON'S ACCOUNT—CONTINUED.

			Dr.	Cr.
1852, July	18,	By cash paid H. Hickman,		$4 00
	18,	" J. Gross & Co.,		1,300 62
	18,	" steamer H. T. Clay,		50 50
	18,	" P. E. Jordon,		1,000 00
	12,	" San Joaquin Republican		21 00
	22,	" A. Taylor,		610 37
	22,	" C. O. Burton,		20 50
	26,	" J. S. Whiting,		20 00
	29,	" F. E. Corcoran,		3,745 33
	20,	" E. S. Holden & Co.,		433 49
Aug.	2,	" A. C. Baine, late Treas., to balance his account,		68 69
	2,	" R. K. Reid's salary,		600 00
	9,	" W. Ward,		712 13
	19,	" F. C. Corcoran,		3,745 33
	20,	" G. Hosmer,		18 50
	20,	" C. M. Weber,		250 00
	22,	" G. Jalamspier,		23 00
	23,	" T. O. Alexander,		81 00
	23,	" May & Webster,		247 28
	23,	" expenses,		29 00
	23,	" books and paper,		5 00
	23,	" J. S. Bowen,		50 00
Sept.		To State Warrant rec'd,	$3,745 33	
		By loss on sale of same,		599 33
Oct.	7,	To State Warrants rec'd,	968 48	
	7,	By loss on same,		93 67
	24,	To State Warrants rec'd,	16,200 00	
	24,	By loss on sale of same,		2,855 13
Sept.	2,	To cash paid M. H. Bond,		20 00
	2,	" R. K. Reid's salary		600 00
	2,	" W. F. Robbins,		100 00
	2,	" Baldwin & Co.,		400 00
	2,	" John Cross & Co.,		478 37
	2,	" "		503 50
	5,	" May & Webster,		277 33
	5,	" E. P. Holden & Co.,		68 50
	6,	" W. Ward,		666 33
	6,	" Grove & Knight,		32 27
	7,	" E. S. Holden & Co..		55 44
	8,	" Chinese washman,		109 25
	9,	" C. M. Weber,		250 00
	10,	" Stephenson & McLean,		10 25
	10,	" F. E. Corcoran,		3,404 12
	12,	" "		341 21
	12,	" W. Knight,		180 00
	12,	" salary of Treasurer,		250 00
	30,	" R. K. Reid,		500 00
	30,	" expenses,		12 00
Oct.	7,	" bill of furniture,		1,899 26
	12,	" commission for buying,		31 00
	12,	" cartage,		2 00
	14,	" A. Walker,		15 00
	24,	" F. E. Corcoran,		11,386 79
	24,	" J. H. Milmore,		1,047 50
	26,	" P. Grove,		550 58
Nov.	8,	" Cook & Elder,		141 00
	8	" Grove & Knight,		549 05
	8,	" J. Gross & Co.,		600 00
	8,	" R. K. Reid's salary,		1,250 00

W. W. STEVENSON'S ACCOUNT---Continued.

			Dr.	Cr.
1853, Nov.	8,	By cash paid servant's wages,		$650 00
	8,	" drayage,		114 00
	8,	" May & Webster,		223 81
	8,	" W. Ward,		1,289 87
	6,	" Webster & Waitt,		472 89
	9,	" C. M. Weber,		250 00
	9,	" T. M. Cota,		42 50
	10,	" S. M. Baldwin,		300 00
	11,	" M. Taylor,		60 00
	11,	" B. M. Henry,		12 50
	18,	" E. S. Holden,		39 75
	19,	" C. A. Gross,		116 00
	21,	" expenses,		35 00
	21,	" " of Treas'r to San Francisco,		50 00
Dec.	22,	" salary of Treasurer,		60 00
	30,	" expenses to San Francisco,		50 00
	8,	To cash loan from Commission of the Funded Ddbt,	$6,329 50	
	8,	To cash of Comptroller.	258 80	
	31,	By balance to new account,		406 12
			$66,067 65	$66,067 65
1854, Jan.	1,	To balance on hand brought down,	$406 12	

ANNUAL REPORT

OF THE

RESIDENT PHYSICIAN

OF THE

ASYLUM FOR THE INSANE

OF THE

STATE OF CALIFORNIA.

REPORT OF RESIDENT PHYSICIAN.

To the Board of Trustees of the

Asylum for the Insane of the State of California.

GENTLEMEN—

In compliance with the sixth section of an Act of the Legislature of 1853, establishing an "Asylum for the Insane of the State of California," the Resident Physician submits his "Annual Report."

The following remarks and statistics will exhibit the present condition of the Asylum, the character of its inmates, their number, nativity, age, residence, civil condition and fatality.

The history of Insanity in this State during the last four years, the great amount and frightful increase, demand the investigation and serious attention, not only of medical gentlemen and legislators, but of intelligent men generally.

The number of Insane persons sent to the Station House, San Francisco, during

the year	1850	was	14
"	1851	was	22
"	1852	was	34
"	1853	was	65

During these years the number has more than quadrupled. It is fearful to contemplate the amount of mental excitement, the violent passions, the ungoverned tempers and continued turmoil prevailing throughout the entire population of the State. These are the agents, which, operating on the brain and its membranes produce such an amount of mental alienation.

The brain is an organ, an instrument of thought; the mind is the function, the action performed by that organ. Insanity is an irritated condition, a diseased state of the organ, producing a disordered action, a derangement of its functions; and this derangement is only a symptom, a sign, not the primary affection.

The causes of insanity are moral and physical, exciting and predisposing. Moral causes operate upon the mind and affections primarily, and then upon the brain, as by long and continued intellectual labor, by constant and powerful excitement of the mind in the struggle for distinction and honor, for wealth and power—by the violence of the passions in ungoverned dispositions, when ambition, hope and pride

are frustrated—when jealousy and envy, sorrow and despair are excited or depressed. Physical causes are those which, acting primarily on the organization, irritate the brain and disturb its functions, or by wounds or blows, by concussions, by fever or inflammation, by organic disease of the heart, by anything which produces an unusual determination of blood to the brain. In many cases there is an hereditary predisposition to insanity, which is developed by the influence of some exciting cause. A particular form of insanity is frequently inherited, and the attack occurs at the same period of life in parent and offspring. The organization of parents is that transmitted to their children by constant, fixed and invariable laws. One regulates the configuration of the external form, the other the nervous functions. Persons of acute sensibility, of nervous and melancholic temperaments—those who possess strong feelings and violent passions are peculiarly liable to insanity. When the sanguine or nervous temperament predominates, the tendency is to the production of mania, while the lymphatic is more favorable to the development of dementia.—The brightest intellects in the land, men of genius, persons of wealth and education, are more subject to the disease than the poor, the lowly and the ignorant.

TABLE II.

Will exhibit the whole number and sex of the patients admitted; the number who recovered and were discharged; the number who improved; the number who died, and the number remaining in the Asylum, from May 14*th*, 1852, *to December* 31*st*, 1853.

	Total.	Males.	Females.
Whole number admitted,	284	264	20
" " recovered,	160	153	7
" " died,	22	19	3
" " improved,	44	42	2
" " remaining,	103	93	10

The great number of insane persons in this State arises from the peculiar character of our population. We have few youths and still fewer aged persons; all are in the meridian of life,—when the intellect has attained its maximum activity, when the feelings and passions are dominant, and when the cares and successes of life are most frequent and formidable. No better evidence of the great mental activity of our people is necessary. For it is a well established physiological fact, that where the greatest degree of mental excitement prevails, there also is the greatest amount of insanity. In highly civilized and enlightened communities in countries which have acquired a great degree of political and religious liberty, there mental diseases are most common. In all tyrannical and despotic governments among all rude and barbarous nations, in all exhibitions of society where mental ability is of a low type, there is very little insanity. Among the Chinese, the Hindoostanees and the inhabitants of the Pacific Islands, the disease is hardly known. In Turkey and Russia, in Spain and Portugal, except in the large cities, it is extremely rare. In Mexico, Cuba and the South American States, the number in proportion to the population is still smaller. It is asserted by voyagers and missionaries, and by authors of undisputed authority, that among the American Indians in all their numerous tribes, a case of insanity was entirely unknown. In the different institutions of England, France and Germany, nations highly educated and intellectual, there is a vast amount of insanity. In England alone, there are 20,000 insane persons exclusive of idiots; in France 18,000, and in Germany the same number; while in the United States

the number of insane persons is nearly double that of any country in Europe in population; the whole number is not far from 30,000.

TABLE III.

Shows the different forms of insanity and the manner of classification.

Acute Mania,	90
Chronic Mania,	18
Acute Dementia,	36
Chronic Dementia,	31
Melancholia,	30
Puerperal Mania,	4
Paroxysmal Mania,	18
Epileptic Mania,	12
Nympho-Mania,	2
Mono-Mania,	24
do Suicidal,	10
do Homicidal,	8

Mania is the highest degree of insanity, frenzy, madness, delirium without fever, an exaltation of all the vital forces, always succeeded by great lassitude and extreme prostration. Persons in this condition are irritable, noisy, intractable and dangerous, their muscular force prodigious, and disposed to break and destroy everything. They often refuse food, are very restless and sleep little. The cerebro-spinal system is in such a state of exaltation, that in their delirious extravagance, they possess no control over their emotions or actions. This variety is so common, so frequently met with in general practice, and the treatment of late years so materially changed, that a few suggestions may be admissable. In the acute stage, the pulse is generally full, quick and concentrated; the tongue coated, the eyes inflamed, the skin hot and dry, the bowels inactive, and the patient furious, raving and ungovernable. With these symptoms and prevailing idea in regard to excitement and inflammation, the old practice was to administer powerful cathartics and bleed copiously. This quieted the patient but reduced the vital force and the power of re-action. The authority and experience of later years have pronounced this treatment incorrect; the real debility is only marked by the fury and excitement. The practice is now, by almost universal consent, entirely changed, in fact reversed. The bowels are to be evacuated with mild laxatives, the system supported and sleep induced by the administration of stimulants, nourishment and anodynes.

Dementia is characterized by a partial or total loss of the intellectual faculties. It is manifested by a vacant countenance, incoherent loquacity and repetition of ideas showing the feebleness of memory, and the powers of reasoning. Patients in this class are usually quiet and talk much with themselves, but have no intimacy or friendship with any. They possess good appetites, enjoy excellent health, and from appearing pale and haggard, frequently become fresh, fat and corpulent, enjoying a mere animal existence. Dementia is frequently a consequence of mania or of melancholia; but the abuse of pleasures, the indulgence of inordinate passions, and the errors of regimen wear out the brain and predispose to this form of the disease.

Monomania.—This variety is very common, often extremely obstinate, but generally terminates favorably. The mind is perverted upon one or a small number of subjects. Some are very irritable, and frequently violent and dangerous; others are gay and easily excited, laugh, dance and sing, and fancy themselves lords and

kings, generals and governors. This form of insanity presents such strange phenomena, such mysterious perversion of the senses, that a few cases may with propriety be mentioned. One announces himself as the Supreme Being, the Almighty, and that his power and will can destroy worlds and systems, and that they only exist by sufferance. Another is Judas Iscariot and has betrayed his Savior, and spends his time in praying for forgiveness. One imagines himself Napoleon, and another an Indian Chief, an Umpqua. One will not walk because his legs are made of glass; another will not eat because his stomach is made of metal, and iron has no necessity for food. One fancies himself a brass monkey, and would not stand erect. Another was a monument, always stood upright, and would never move except by compulsion. One who claimed ownership of the whole of California and the Sandwich Islands, and held a lien on Russia for several millions, and strictly prohibited the erection of a hospital or a Methodist church in all his possessions. Another has ninety millions of pounds deposited in the Bank of England, and only came to California on a trip of pleasure, to travel and study character. One to whom the Rothschilds are in debt many millions of dollars, and who keeps an account current with that house, charging them four hundred thousand dollars for every day of his detention in the Hospital. Another has purchased all the Spanish land claims in the State, and made arrangements to fence and cultivate them. Another who ascertained the source of all the gold, a place near the summit of the Sierra Nevada, had started in search of it and returned a madman. Another asserts that Page, Bacon & Co., have swindled him out of all his property in Sacramanto, and imprisoned him here in order to collect his rents. He declares it worse than "piracy on the high seas," and insists on being discharged to seek revenge. Another was an officer on one of the Pacific steamers, who had purchased the entire State from Gov. Bigler, for a vast warehouse, in order to have room sufficient to store his millions of consigned goods, &c., &c.

Melancholia is a morbid condition of the sensibility, where the sorrowful and depressing passions and affections are dominant. Moroseness, sadness, grief and fear are characteristics of this variety. The thoughts and feelings of the patient are concentrated entirely upon himself; he seeks no friendship or kindness, expects no sympathy, possesses few wants, is restless and sleeps but little.

Epileptic Mania.—The organic causes are not well understood, and at present beyond physiological investigation. Its symptoms are convulsions, the suspension of sensibility and the loss of consciousness. The fury of this class is of such a terrible and ferocious character, that no treatment will control or subdue it.

Puerperal Mania.—This is the mania of females immediately after child-birth, or during lactation. The causes are an hereditary predisposition, and extreme susceptibility, fear, grief, domestic dissentions, the labor and intense pain of accouchment, a suppression of the secretions, or lacteal metastasis, the neglect of the moral affections and of those precautions which prudence and experience inculcate. Hysterical women and those afflicted with nympho-mania are peculiarly liable to this disease, especially at that period when every organ is in a state of unusual excitement, and all are in danger of congestion from slight causes.

TABLE IV,

Shows the supposed causes of insanity in 284 cases.

MORAL CAUSES.

Mental Excitement,	7
Disappointment,	27
Loss of Property,	9
Neglect of husband,	1
Intense application,	3
Desertion of wife,	4
Desertion of mistress,	1
Religious anxiety,	8
Spiritualism,	4
Jealousy, &c.,	4
Fear and grief,	8
Domestic trouble,	13
Ill treatment,	1
Disappointed affection,	3
Seduction and desertion,	2
Fanaticism,	2

PHYSICAL CAUSES.

Intemperance,	42
Masturbation,	20
Disease of spine,	1
Coup de Soliel,	2
Effect of poison,	2
Bad health,	25
Dissipation and exposure,	19
Injury of head,	3
Excessive venery,	2
Typhoid fever,	6
Parturition,	4
Syphilis,	2
Epilepsy,	10
Meningitis,	1
Hereditary,	4
Unknown,	40

Moral causes are more productive of insanity than physical ones. They are also more formidable, especially, if they have been long in action. Pure physical causes yield more readily to treatment; a combination of moral and physical causes produces the disease more frequently than the separate action of either.

Mental excitement, whether of the intellect or the emotions, is the most frequent cause of this malady. We have examples in severe study, in political ex-

citement, jealousy, revenge, in the refined torturing consequent on the unhappy marriage relation, reverses of fortune, loss of friends, fanaticism, the friction of mind against mind in the struggle for wealth and reputation. To the investigation of "spiritual manifestations" was the exciting cause of insanity in four cases recorded in the table. They were all persons of middle age, in the prime of life, with good intellects, fine educations, and of the first standing in the community. One was a lawyer and a judge: one an editor; one a professor; and one an artist. They all recovered and were discharged.

Ill health is not always a physical cause of insanity—as dyspepsia, epilepsy, and other diseases are frequently produced by mental anxiety—and often precede any other evidence of insanity.

Typhoid Fever.—Several cases of mania arising from this disease, were sent to this Asylum, during the past year. They were all admitted, though improper subjects, and should have been sent to the general hospital in San Francisco.

Hereditary.—In all old and densely populated countries, an hereditary tendency is the most frequent cause of insanity. This is the fatal inheritance of the rich and noble, who ally themselves in marriage only with their own families, as witnessed in the present reigning families of England and Russia, and in numerous instances in our own country.

Intemperance is a prolific source of insanity and has always been considered one of the most powerful influences in undermining and destroying the nervous system.

Epileptic.—These never recover. We have admitted ten cases, nearly all from the State Hospital, San Francisco.—The "inability to sleep" is a frequent and unsuspected cause of many cases of insanity, and one which it is important to watch and guard against. Another origin of the disease, is the enforcement of precocious studies on the young, to the entire neglect of physical education, the stimulus being wholly applied to the nervous system, the intellect and the emotions, while the health and strength of the body are entirely neglected. California ought to produce a race of men, the most vigorous and powerful on the face of the earth, on account of the mildness of the climate, the purity of the atmosphere, and the great opportunity for out of door exercise, being able to live in the open air, without an habitation, for nearly nine months in the year.

TABLE V.

Will exhibit the whole number of Americans and Foreigners, and the nativity of each patient.

AMERICANS.—151.

Maine,	7
New Hampshire,	2
Vermont,	2
Massachusetts,	12
Rhode Island,	4
Connecticut,	5
New York,	34
New Jersey,	2
Pennsylvania,	10
Delaware,	1
Maryland,	6
Virginia,	10

North Carolina,	9
South Carolina,	1
Georgia,	5
Mississippi,	2
Missouri,	2
Louisiana,	5
Arkansas,	1
Texas,	1
Ohio,	8
Indiana,	8
Illinois,	4
Michigan,	1
Iowa,	1
Kentucky,	3
Tennessee,	6
Oregon,	1
California,	4

FOREIGNERS.—133.

England,	14
Ireland,	28
Scotland,	11
France,	29
Spain,	1
Portugal,	3
Italy,	3
Germany,	18
Denmark,	1
Norway,	1
Sweden,	2
Russia,	1
Prussia,	2
Poland,	2
Chile,	6
Mexico,	5
Canada,	1
Australia,	2
China,	1

We have here, a mixture of all nations, people and languages. In our own country there are representatives from Main to Texas, and from Virginia to Oregon. Among the foreigners, we have them from England to China and Hindostan, and from Canada to Chile and Australia. We admitted two persons insane, who were also congenital deaf and dumb, they both recovered, were discharged and sent to the mines. Ten negroes, eight males and two females, have also been received, of whom two died, three were discharged, and five yet remain in the hospital.

TABLE VI.

Shows the number of patients sent to the Asylum from each County in the State, and their residence at the time of admission.

Alameda,	2
Butte,	3
Calaveras,	16
Colusi,	2
Contra Costa,	2
El Dorado,	23
Napa	1
Nevada,	6
Mariposa,	5
Monterey,	2
Placer,	4
Sacramento,	44
San Francisco,	99
San Joaquin	27
Santa Clara,	4
Solano,	6
Shasta,	2
Siskiyou,	2
Tuolumne,	16
Yolo,	2
Yuba,	10

The counties of San Francisco, Sacramento and San Joaquin, have furnished more than one-half the whole number of admissions; while the large mining counties of El Dorado, Tuolumne and Calaveras, have sent about one-fifth of the number. They congregated in the former counties from all parts of the State.

TABLE VII.

Indicates the different occupations of the 284 *patients admitted.*

Merchants,	10
Teacher,	1
Preachers,	2
Painters,	5
Artists,	2
Druggists,	2
Clerks,	7
Traders,	6
Bakers,	10
Cooks,	6
Saddlers,	2
Masons,	5
Farmers,	17
Laborers,	21

Soldiers,	8
Sailors,	18
Tailors,	3
Pedlers,	3
Gamblers,	3
Printer,	1
Servants,	3
Jeweller,	1
Engineer,	1
Machinists,	4
Architect,	1
Tanner,	1
Distillers,	2
Lithographer,	1
Engraver,	1
Lawyers,	2
Editor,	1
Carpenters,	13
Gardners,	2
Butchers,	2
Tinner,	1
Miners,	78
Arrieros,	2
Vaqueros,	2
Silversmith,	1
Blacksmiths,	6
Sailmaker,	1
Shoemakers,	2
Wagonmaker,	1
Cabinetmakers,	2
No occupation,	32

It is an important and interesting inquiry, to ascertain what influence the profession or occupation of men exerts on the development of insanity. The accumulation of facts such as the above table records, during a series of years, can alone determine the question. Complete statistics from all the institutions in the country will present incontrovertible evidence on the subject.

It has generally been supposed that persons of great intellects—men of genius—as poets and artists, politicians and rulers—were peculiarly liable to insanity.—The statistics of this institution show that nearly two-thirds of the persons admitted, possessed a low order of intellect, which a slight disappointment or misfortune crushed.

The number is always greater among those classes whose brains are in perpetual turmoil and constant excitement, than among those who pursue a moderate and tranquil course of industry and enjoyment.

TABLE VIII,

Will exhibit the civil condition of the whole number of patients, and the influence of marriage and celibacy on the development of insanity.

	Total.	*Males.*	*Females.*
Single,	189	184	5
Married,	68	58	10
Widowed,	27	22	5

This table exhibits an entirely different result from any institution of a similar character in the world.

The number of males compared with the females, and the vast difference between the married and single will not appear so astonishing when contrasted with the condition and character of our population. At first it was a community composed entirely of men, and even at this time, the females number only about one-twentieth part of the population.

TABLE IX,

Indicates the different ages of patients at the time of admission.

	Total.	*Males.*	*Females.*
Between 10 and 20 years,	21	18	3
" 20 " 30 "	125	114	11
" 30 " 40 "	76	74	2
" 40 " 50 "	36	33	3
" 50 " 60 "	20	19	1
" 60 " 70 "	4	4	–
" 70 " 80 "	1	1	–

Insanity generally occurs when man is in the prime, the meridian of life—when he is rejoicing in youth and beauty—in health and power. Neither youth nor old age is very liable to the disease. The period of greatest susceptibility is between 20 and 30 years.

The average of the whole number admitted, was only 34 years.

The extremes were 10 and 70 years.

TABLE X,

Will show the number admitted and discharged, and the number who died in each month, from January 1, to December 31, 1853.

		Admitted.	*Discharged.*	*Died.*
1852,	January,	1	1	..
	February,	2	1	..
	March,	4	4	..

		Admitted.	*Discharged.*	*Died.*
	April,	2	1	..
	May,	21	2	..
	June,	10	3	..
	July,	7	6	1
	August,	7	5	1
	September,	18	10	2
	October,	7	12	1
	November,	22	6	2
	December,	23	6	3
1853,	January,	4	10	1
	February,	13	6	..
	March,	4	12	2
	April,	17	10	1
	May,	22	11	..
	June,	15	14	2
	July,	17	11	..
	August,	15	10	..
	September,	11	12	..
	October,	14	12	2
	November,	13	14	2
	December,	15	15	3

Those cases which occurred during the first four months of 1852, were admitted and treated in the General Hospital. In May of the same year, twenty-one were brought at the same time from Sacramento, and in November, twenty-two were sent from the prison ship, and in December, eleven more from the station house of San Francisco; all these were the accumulation of several months previous, and were detained in those places for safety and security. They had collected in those cities from every part of the State, and should not be considered as having originated there.

The season of the year exerts considerable influence in the production of insanity in this country: more cases occurring during the hot, dry season, than during the winter or rainy season, and more persons recovered and were discharged during the winter than in the summer.

TABLE XI,

Shows the number of deaths and the diseases which proved fatal.

Acute mania,	2
Delirium tremens,	2
Disease of spine,	1
Meningitis,	2
Marasmus,	2
Dysenteria,	3
Maniacal exhaustion,	3
Typhoid fever,	2
Puerperal fever,	1
Epilepsy,	3
Laryngitis,	1
Dropsy,	1

The number of deaths compared with the admissions and recoveries has been very small, and will compare favorably with any similar institution in the country. Judging from the reports of other hospitals, the proportion of recoveries varies from one fourth to one half of the whole number. More than one half the number admitted into this asylum have recovered and been discharged. That is, out of 284 admissions, 160 recovered and were discharged, 22 died and 103 remain. The longer the disease has existed, the chances of recovery diminish. In fact, all cases of recent origin, and unconnected with any other disease, are just as curable as pneumonia or rheumatism. In ninety cases of acute mania, only two died. This class of patients cause a great deal of anxiety, and require much care and attention. Two deaths also occurred from complete exhaustion, on the next day after admission. They were conveyed to the hospital while laboring under intense excitement, which no power or remedy could subdue. Three epileptic cases also proved fatal. They all came from the State Hospital in San Francisco—were incurable, and improper subjects for admission. Two deaths occurred from marasmus—a gradual wasting away of the vital energies. They presented no evidence of inflammation or organic disease, the circulation became feeble, the secretions imperfect, the degestions defective, until life slowly wasted away.

No suicide has yet happened in the Institution, although several attempts have been made, all very fortunately proved unsuccessful. The general health of the inmates has been good, and no acute disease unconnected with the brain has prevailed to any great extent. Some cases of intermittent and remittent fever have occurred during the last four months. They were all of a mild type and soon recovered.

Treatment.

Insanity should receive moral as well as medical treatment. Many cases recover without much medicine—as removal from the exciting cause, with kindness and attention, the regulation of the diet, and the administration of anodynes are the most efficient remedies. The great object is to support the system, to compose the mind and induce sleep. No uniform course of practice is pursued—prescriptions are made for the symptoms, not for the disease. Unless the derangement is complicated with some organic disease, the treatment is simple, and but few medicines necessary. General bleeding, blistering, with violent emetics, or powerful cathartics are never employed. Mild laxatives, tonics, stimulants, and the whole tribe of narcotics, are the chief reliance. As laxatives, the most preferable preparations are the off. comp. cath. pill, the inf. of senna, rhubarb, and most of the saline cathartics. All the pure vegetable bitters, as gentian, colombo, quassia, and cinchona are in daily use as the most desirable tonics, and the tinct. of the muriate of iron, and the precipitated carbonate, as chalybeates. All the narcotics, the whole class of cerebral and nervous stimulants, as conium, belladona, hyoscyamus, camphor and aconite are constantly employed. The preparations of opium, as the tincture and solution of the sulphate, or acetate of morphine, are easy of administration. As demulcents, the various gums, elm, flax-seed, sago, tapioca and arrow-root are in hourly use for their bland, unirritating and nutricious qualities.

Diet.

The food consumed in this hospital is of a plain, nutritious and substantial character, and each individual is allowed to eat as much as is consistent with health or propriety, The articles are all the best the markets afford, are well cooked and

served in a genteel proper manner. A large majority of the patients conduct themselves at the table, with order and decorum, taking their meals without difficulty or trouble. With a necessary supply of wholesome and easily digested food, the patient is more comfortable and contented, and his mental operations proceed more easily and quietly.

Attendants.

The duties of attendants are important and responsible, and to perform them faithfully, demands peculiar qualifications. In this country, labor is in great demand and obtains a high reward. It is almost impossible to secure the services of persons qualified by nature and education, to hold situations of this character. They are required to treat all the patients with kindness and attention, to promote their comfort, to supply their wants, and to see that everything about the rooms and beds, is perfectly clean, neat and in order. They are never permitted to abuse or strike a patient, or allowed to use force or violence, except in the clearest case of self-defence. No more restraint or confinement is permitted than is absolutely necessary for the safety of the patient and the attendant.

Admission of Visitors.

No subject has occasioned us more annoyance and trouble, in order to give satisfaction, than the admission of visitors. The people of the State have certainly a great interest in the successful management of the Institution, but it would be perfectly absurd to throw open its doors for the inspection of every one. Many desire to visit the wards, not to observe the amount of comfort enjoyed by the inmates, but to laugh and jest at their caprices. We insist the community shall understand that patients are sent here for restoration, not for exhibition—that quiet and seclusion are absolutely necessary for their recovery, and that they shall not be made a spectacle for the gratification of a morbid curiosity. Admission has always been refused to every person, whose object was merely to see insane persons. To those individuals from different portions of the State, who take any interest in the welfare of these people, every facility has been extended to examine the arrangements for their comfort and restoration, As a general rule, most insane persons are injured by visits from their friends or from strangers. All their suspicions and troubles are recalled– they frequently become melancholic, and sometimes excited and furious. We cheerfully answer all letters of inquiry addressed to us by friends of any person under our care, and apprise them of their condition and the prospects of their recovery.

Buildings, Improvements, &c.

The Asylum is situated within the corporate limits of the city, on the most remote block except one, in the north-eastern portion, and attached to it, are one hundred acres of rich and valuable land. This block is enclosed, in front with a neat and handsome fence; in the rear with one of plain boards, high and secure enough to prevent escape. The main building is built of brick, one hundred and thirty feet in length, fifty feet in width, and two stories in height. The lower floor contains the office and drug store, the rooms of the resident physician, a reading and sitting room for patients, and five large rooms. The halls are twelve feet wide, and running at right angles the whole length and width of the building. The second floor contains twelve wards of different dimensions, and rooms for the attend-

ants: the halls are wide and airy, similar to those on the first floor. The wooden building is forty feet long, forty feet wide and two stories high. The first floor contains a parlor and dining room, with a store room, and a large dining hall for the patients, capable of seating sixty persons. The second floor contains the apartments of the matron and four wards for female patients. In the rear stands the kitchen, pantry, and washing room, and directly adjoining, a bath house, containing rooms for cold, warm and shower baths. With the labor of the convalescents alone, the yards have been graded and sowed with grass seed, several pavements made, numerous walks laid out, and a large number of trees, shrubs, vines and seeds planted.—So that in a few years, the Asylum will become one of the most beautiful and attractive places in the country. The utmost capacity of the buildings now, is to afford sufficient room for an hundred patients, but not more than eighty can be treated and accommodated properly. We have kept a daily record of every case admitted into the Institution from the time of its organization, a minute history of the individual, the subsequent treatment and its results, and from this accumulation of facts, useful deductions may hereafter be made. We have also, during the last three years, made regular meteorological observations, noting the variations of the thermometer and barometer, the change of the winds and clouds, and measuring the amount of rain and dew, and at the suggestion of Dr. Keene, Senator for El Dorado County, these tables are appended to this report for general information. The year just closed has been one of constant labor, close confinement, and great responsibility, and here it affords me much pleasure to record my thanks to your Board, for repeated proofs of your confidence, kindness and attention. In conducting the affairs of the Institution, it has been my highest aim, my greatest ambition, to place its reputation among the first in the land, to establish and maintain a character creditable to the State, and which would reflect honor and integrity upon you. What success has attended these efforts, you are best able to judge and report, from your frequent visits and inspections. We are also under many obligations to the editors and proprietors for copies of the following papers, viz:

Times and Transcript, San Francisco.
San Francisco Herald, do.
Democratic State Journal, Sacramento.
Marysville Herald, Marysville.
Calaveras Chronicle, Moquelumne Hill.
Sonora Herald, Sonora.
Los Angeles Star, Los Angeles.
San Diego Herald, San Diego.
San Joaquin Republican, Stockton.
Stockton Journal, do
Daily Evening Post, do

STATE HOSPITAL.

GENTLEMEN :—

In order to comply with the fourth section of an Act of the Legislature of 1851, creating the "State Hospital" in the city of Stockton, the Resident Physician presents his "Annual Report" of the condition of the Institution until the time of the organization of the Asylum for the Insane.

STATISTICAL TABLES.

TABLE I.

Will exhibit the whole number of patients admitted; the number discharged; and the number of deaths, from August 7, 1851, to July 1, 1853.

Number of patients	admitted,	-	1870
"	discharged,	-	1783
"	died,	-	87

TABLE II,

Shows the different diseases of patients and the number of cases.

Abscess,	10
Amaurosis,	2
Amenorrhœa,	6
Ascitas,	25
Asthma,	5
Bronchitis,	10

Burns,	3
Cholera,	26
Cholera Morbus,	23
Cystitis,	1
Chorea,	1
Constipation,	4
Debility, General	10
Delirium tremens,	42
Diarrhœa,	63
Dysentery,	86
Dyspepsia,	3
Dislocation,	10
Erysipelas,	15
Fever, Intermittent,	284
" Remittent,	90
" Continued,	15
" Congestive,	6
" Typhoid,	80
" Panama,	40
" Puerperal,	4
Fistula in Ano,	5
" Lachrymalis,	2
Fungus Hæmatodes,	1
Fractures,	15
Gangrene of Lungs,	1
Gangrena Oris,	1
Gastralgia,	4
Gastritis,	34
Gonorrhœa,	50
Heart, Diseases of	6
Hemiplegia,	4
Hemorrhage,	3
Hemorrhoids,	13
Hernia,	4
Hydrocele,	5
Hepatitis,	16
Influenza,	7
Insanity,	
Inflam. Bowels,	10
" Joints,	5
Jaundice,	5
Laryngitis,	8
Marasmus,	2
Melæna,	2
Meningitis,	7
Nepritis,	6
Ophthalmia,	20
Orchitis,	5
Otitis,	2
Osteo-Sarcoma,	1
Paronychia,	20
Paralysis,	10

Parotitis,	5
Poison,	15
Pneumonia,	40
Pleuritis,	10
Phthisis,	11
Ptyalism,	4
Rheumatism,	48
" Syphilitic,	12
Rubeola,	3
Scalds,	4
Scrofula,	2
Scorbutis,	10
Stricture,	16
Syphilis,	35
" Secondary,	32
Skin, Disease of	40
Tonsillitis,	2
Ulcers,	32
Uvula, Elongated,	4
Urine, Retention of	2
Varicose Veins,	3
Variola,	6
Wounds, Incised,	58
" Contused,	24
" Lacerated,	4
" Gun-shot,	21

TABLE III,

Shows the nativity of each patient, and the whole number of Americans and Foreigners.

AMERICANS.—1058.

Maine,	39
New Hampshire,	25
Vermont,	24
Massachusetts,	78
Rhode Island,	13
Connecticut,	17
New York,	178
New Jersey,	11
Pennsylvania,	79
Delaware,	5
Maryland,	32
Virginia,	47
North Carolina,	13
South Carolina,	26
Georgia,	26
Alabama,	20
Florida,	8

Mississippi,	14
Louisiana,	42
Texas,	28
Arkansas,	20
Missouri,	68
Tennessee,	25
Kentucky,	26
Ohio,	49
Indiana,	28
Illinois,	51
Iowa,	10
Michigan,	18
Wisconsin,	6
Oregon,	2
California,	25

FOREIGNERS.—812.

England,	90
Ireland,	135
Scotland,	32
France,	84
Spain,	6
Portugal,	9
Italy,	8
Turkey,	2
Sicily,	2
Germany,	75
Austria,	5
Russia,	2
Prussia,	6
Sweden,	18
Norway,	4
Denmark,	6
Poland,	2
Wales,	1
Arabia	1
Novo Scotia,	2
New Brunswick,	1
Canada,	16
Cuba,	3
Mexico,	180
New Grenada,	6
Buenos Ayres,	3
Central America,	4
Peru,	14
Chile,	24
Brazil,	2
China,	13
Hindostan,	25

Sandwich Islands,	4
Australia,	12
Manilla,	4

TABLE IV,

Indicates the residence of each patient at the time of admission.

Alameda,	2
Butte,	4
Calaveras,	295
Colusi,	4
Contra Costa,	25
El Dorado	14
Los Angeles,	15
Mariposa,	196
Monterey,	18
Napa,	2
Nevada,	18
Placer,	14
Sacramento,	75
San Joaquin,	286
San Diego,	4
San Francisco,	190
Santa Clara,	18
Shasta,	14
Sierra,	13
Solano,	12
Sonoma,	11
Siskiyou,	4
Trinity,	5
Tulare,	12
Tuolumne,	280
Yolo.	2
Yuba,	16
From Sea,	54
From Plains,	78

TABLE V,

Shows the number of deaths and the diseases which proved fatal

Typhoid Fever,	10
Congestive, "	2
Puerperal, "	1
Panama, "	8
Diarrhœa,	8
Dysenteria,	10
Pneumonia,	8
Erysipelas,	1
Laryngitis,	1

Meningitis,	2
Paralysis,	3
Epilepsy,	2
Marasmus,	3
Heart, Diseases of,	2
Spine, "	1
Acute Mania,	3
Delirium Tremens,	5
Maniacal Exhaustion,	4
Osteo Sarcoma,	1
Gangrene of Lungs,	1
Gun-shot Wounds,	1
Jaundice,	1
Phthisis,	1
Cholera,	4
Ascites,	4

TABLE VI,

Shows the native place of those who died.

AMERICANS.—47.

Maine,	4
New Hampshire,	2
Vermont,	3
Massachusetts,	5
Rhode Island,	3
New York,	10
New Jersey,	1
Pennsylvania,	3
Virginia,	2
Kentucky,	1
Mississippi,	1
Missouri,	5
Arkansas,	1
Ohio,	4
California,	2

FOREIGNERS.—40.

England,	4
Ireland,	8
Scotland,	2
France,	7
Norway,	1
Sweden,	1
Germany,	1
Mexico,	10
Chile,	2
Spain,	1
China,	1
Hindostan,	1

The State Hospital in Stockton was organized and opened for the reception of patients in August, 1851. The insane department was added, and all insane persons in the State, directed to be sent to it in May 1852, and agreeably to the instructions of the last Legislature, all invalids remaining in the general hospital on the 1st of July, 1853, were transferred to the State Marine Hospital, in San Francisco at the same time, all the furniture and other property of the hospital and all the insane patients were placed in charge of the officers and Trustees of the State Asylum for the Insane.

ROB'T K. REID, M. D.
Resident Physician.

Stockton, Cal., Dec., 31, 1853.

METEOROLOGICAL OBSERVATIONS

MADE AT THE

STATE HOSPITAL

AND

INSANE ASYLUM IN THE CITY OF STOCKTON, CALIFORNIA,

IN THE YEARS 1851, 1852 & 1853.

Latitude 37,° 57′ North; Longitude 121,° 14′ 26″ West.
Elevation,———.

These tables will exhibit the highest, the lowest, and the average temperature, the daily variations of the barometer at 8 A. M., 2 P. M., and 8 P. M., the course of the winds and clouds, and the amount of rain during the years 1851, 1852 and 1853.

1851. THERMOMETER.

	8 A. M.	2 P. M.	8 P. M.	
	°	°	°	
July.				
Highest,	78	98	76	
Lowest,	58	76	74	Clear every day. Wind N. W.
Average,	74	92	66	
August.				
Highest,	70	97	73	
Lowest,	60	84	60	Every day clear, and wind invariably
Average,	63	82	61	from northwest.

1851. THERMOMETER.

	8 A. M. °	2 P. M. °	8 P. M. °	
September.				
Highest,	72	88	73	Two days cloudy. Twenty-eight clear,
Lowest,	62	74	60	and a light rain at 8 A. M. and 8 and 11
Average,	66	80	64	P. M. on the 5th.
October.				
Highest.	64	85	71	
Lowest,	57	66	58	No day cloudy. Fog on six days until
Average,	56	76	60	9 A. M. All others clear.
November.				
Highest,	60	80	64	
Lowest,	44	60	53	Rain on the 16th and 29th. Every oth-
Average,	53	68	59	er day clear.
December.				
Highest,	56	65	54	Rain on eight days. Frost on 5 days.---
Lowest,	32	52	40	Clear 23 days. From 8 to 9 P. M. on the
Average,	46	57	47	27th heavy thunder and lightning, with hail and rain.
1852.				
January.				
Highest,	54	63	48	Rain 1 day. Cloudy 2 days. 28 days
Lowest,	37	56	37	clear. At 9 1-2 P. M. an eclipse of Moon;
Mean	44	79½	43½	total.
February.				
Highest,	54	70	58	
Lowest,	40	50	44	Clear 25 days. Rain on 3 days.
Mean,	46¾	64¼	51	
March.				
Highest,	63	80	68	
Lowest,	43	52	42	Rain on 10 days. Clear on 21 days.
Mean,	49½	72	52½	
April.				
Highest,	74	90	71	
Lowest,	52	60	44	Rain on 2d, 22d, and hail on 23d. All
Mean temp,	55¾	67¼	55½	others clear.
May.				
Highest,	72	94	75	
Lowest,	57	65	50	Rain at 9 and 11 P. M. on 17th. Bal-
Mean,	65	79¼	60½	ance clear.

1852. THERMOMETER.

	8 A. M.	2 P. M	8 P. M.	
	☉	☉	☉	
June.				
Highest,	75	99	78	
Lowest,	69	83	69	Rain, thunder and lightning at 7 P. M.
Mean,	68 1-6	88 3/4	74 1/01	20th, and 10 A. M. 21st.
July.				
Highest,	80	100	79	
Lowest,	64	80	70	Drops of rain on the 30th. All other
Mean,	73	95	65	days clear and sunshine.
August.				
Highest,	72	98	75	
Lowest,	62	86	62	Cloudy and drops of rain on 2nd. Other
Mean,	65	85	63	days clear.
September.				
Highest	74	100	78	
Lowest,	54	75	50	Cloudy and drops of rain at 2 and 8 P.
Mean.	64	85	60	M. on the 15th only.
October.				
Highest,	58	82	65	
Lowest,	50	68	52	
Mean,	54 3/8	76 3/8	59 1/8	Rain 3 days. Clear 28 days.
November,				
Highest,	55	80	59	
Lowest,	36	54	34	
Mean,	46 1/3	63 3/8	48 3/8	Rain 9 days. Clear 21 days.
December.				
Highest,	52	62	50	
Lowest,	34	44	40	
Mean,	43 3/8	53 1/2	44 1/2	Rain 15 days. Clear 16 days.

In this year there were 52 rainy days and 314 clear days. The coldest day was Dec. 15th: thermometer 34°, 44°, 40°. The warmest days were, 22d, 23d and 24th of July; thermometer 80°, 100°, 79°.

METEOROLOGICAL OBSERVATIONS.

January 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM	2 PM.	8 PM.	WINDS, CLOUDS, RAINS, &c. *Remarks.*
1	52	64	58	29.64	29.60	29.60	W. by N. clear.
2	54	64	56	29.50	29.45	29.35	8 P. M. dark and cloudy.
3	52	58	52	29.50	29.50	29 45	clear and frost.
4	52	58	58	29.50	29.45	29.40	cloudy and high wind.
5	50	56	54	29.40	29.35	29.40	rain 8 A. M. and 8 P. M. 5-10.
6	52	60	52	29.40	29.40	29.42	clear, fine sun.
7	52	56	52	29.30	29.30	29.32	rain 8-10 and high winds.
8	52	56	52	29.31	29.37	29.32	8 A. M. rain 5-10, 2 P. M clear.
9	49	56	48	29 30	29.30	29.40	cold and clear.
10	46	52	50	29.50	29.55	29.45	clear N. rains 4-10, east 1-10.
11	46	54	46	29.40	29.30	29.35	clear, 1-10 11 A. M. north.
12	46	56	48	29.40	29.45	29.50	clear and sunshine.
13	46	54	47	29.50	29.52	29.60	"
14	46	58	46	29.50	29.40	29.30	clear, rain 1-10 12 M.
15	46	52	48	29.60	29.62	29.60	clear, frost.
16	42	54	46	29.57	29.55	29.55	"
17	44	54	44	29.60	29.60	29.55	"
18	52	54	42	29.60	29.60	29.60	"
19	46	56	40	29.57	29.57	29.57	"
20	36	48	40	29.40	29.55	29 60	"
21	38	46	38	29.55	29.55	29.55	cool and cloudy.
22	36	48	40	29.50	29.50	29 55	clear and frost.
23	36	46	42	29.50	29.50	29.50	cloudy.
24	40	58	44	29.50	29.52	29.52	clear and frost.
25	38	58	43	29.52	29.52	29.52	"
26	41	60	43	29.57	29.50	29.45	"
27	48	60	50	29.40	29.40	29.35	cloudy, rain 1-10 5 P. M.
28	52	56	52	29.35	29.40	29.40	cloudy all day.
29	52	56	52	29.40	29 45	29.40	M. cloudy, day clear.
30	54	56	52	29.47	29.50	29.50	clear.
31	50	60	44	29.50	29.50	29.50	"

23 clear days—8 cloudy days—2-100 inches rain.

METEOROLOGICAL OBSERVATIONS.

FEBRUARY 1853.

	THERMOMETR.			BAROMETER.			WINDS, CLOUDS, RAINS, &C.
Day.	8 AM	2 PM	8 PM	8 AM.	2 PM.	8 PM.	*Remarks.*
	o	o	o	o	o	o	
1	46	50	46	29.67	29.50	29.55	clear and sunshine.
2	45	58	50	29.55	29.50	29.50	"
3	40	60	48	29.50	29.48	29.48	"
4	38	54	44	29.50	29.50	29.52	"
5	36	58	48	29.52	29.50	29.50	"
6	38	58	46	29.50	29 50	29.50	"
7	40	62	52	29.50	29.47	29.47	"
8	46	62	44	29.55	29 55	29.52	"
9	45	60	46	29.57	29.70	29.70	"
10	50	56	48	29.57	29.60	29.62	"
11	46	62	50	29.52	29.50	29.50	"
12	42	62	48	29.52	29.50	29.50	"
13	46	61	46	29.52	29.50	29.50	"
14	44	62	46	29.50	29.50	29.50	"
15	46	62	46	29.50	29.50	29.57	cloudy, wind N. E.
16	48	56	44	29.57	29.57	29.57	"
17	44	60	48	29.57	29.55	29.50	clear, wind N. E.
18	44	64	52	29.52	29.50	29.50	" wind N. W. night cloudy.
19	48	66	50	29.48	29.48	29.48	" wind E. S. E.
20	50	60	44	29.50	29.50	29.50	" wind N. W. strong.
21	50	64	52	29.50	29.52	29 52	" sunshine.
22	48	66	52	29.60	29.50	29.50	" wind N. W. cloudy.
23	50	66	56	29.50	29.50	29.40	rain 2 A.M. to 6 P.M. 1-50 in. S.
24	46	58	50	29.40	29.40	29.30	rain all day 2-10, in S.
25	50	56	48	29.20	29.20	29.32	rain 8 A.M. 2-10, 2 P.M. 2-10 s.
26	48	59	48	29.40	29.50	29.55	rain 6 A. M. all night, 4-10.
27	52	62	50	29.60	29 60	29 60	clear.
28	56	68	54	29.62	29.70	29.70	"

In February, 22 days were clear and 6 cloudy, and 1 in. 1-50 of rain.

METEOROLOGICAL OBSERVATIONS.

March, 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
	o	o	o	o	o	o	
1	50	68	58	29.75	29.67	29,57	clear, N. by W.
2	52	69	58	29.65	29.60	29,57	to 8 A. M. fog, clear.
3	50	72	60	29.60	29.65	29,67	to 9 " "
4	52	74	65	29.65	29.55	20,50	clear,
5	56	76	50	29.50	29.48	29,48	"
6	62	74	50	29.48	29.48	29,48	"
7	56	70	52	28.48	29.48	29,48	"
8	56	67	56	29.47	29.47	29,40	rain 8 A. M. 1-50 inch.
9	54	60	50	29.35	29.35	29,35	rain 2 P. M. 2-5 inch.
10	48	56	44	29.59	29.50	39,50	clear N. W.
11	40	56	44	29.57	29.57	20,57	" "
12	42	58	48	29.57	29.57	29,57	" "
13	44	60	50	29.57	29.57	29,57	" "
14	46	62	60	29.55	29.50	29,55	clear 6 30 S.S.W. forte.
15	50	58	44	29.35	29.35	29,37	rain 3-10 5-10.
16	49	60	50	29.50	29.50	29,50	clear,
17	48	66	52	29.52	29.52	29,50	wind S.S.W.
18	48	60	48	29.47	29.40	29,40	clear.
19	45	62	50	29.50	29.47	29,50	"
20	52	64	51	29.50	29.57	29,57	"
21	54	72	62	29.57	29.55	29,52	"
22	57	74	62	29.52	29.50	20,47	"
23	60	70	46	29.45	29.42	29,47	S.S.W. forte, clear.
24	45	57	44	29.55	29.50	29'52	N.N.W., clear and cold.
25	46	64	50	29.52	29.50	29,50	clear N. W.
26	49	70	56	29.52	29.50	20,47	" "
27	59	70	54	29.47	29.47	29,47	8 P. M., cloudy, S.S.W. forte.
28	59	64	58	29.45	29.45	20,37	rain 8 A. M. to 2 30, 2-10 inch.
29	58	60	50	29.42	29.42	29,50	rain 11A.M. to 2P.M 1-10 8P.M 5-10
30	50	64	52	29.57	29.57	29,55	clear.
31	54	64	49	29.55	29.52	29,52	clear, W.N.W.

25 clear days, 6 cloudy days, and 2 1-50 inches rain.

METEOROLOGICAL OBSERVATIONS.

APRIL, 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
1	54	66	52	29,52	29,52	29,52	clear, N.W
2	56	70	58	29,55	29,55	29,52	" N.W. to W.N.W.
3	61	76	63	29,55	29,55	29,55	" W. to E.N.E.
4	62	78	66	29,50	29,45	29,42	" N.W. to W.N.W.
5	66	81	68	29,42	29,42	29,42	" N.W. to E.S.E.
6	70	81	65	29,52	29,52	29,55	" N.N.W.
7	62	78	62	29,55	29,55	29,52	" "
8	61	75	58	29,50	29,50	29,47	" "
9	64	74	50	29,52	29,52	29,47	" "
10	59	71	58	29,47	29,45	29,42	" "
11	59	65	52	29,40	29,40	29,45	cloudy " S.S.W.
12	56	66	54	29,50	28,50	29,50	rain 9 P. M. 2-10 inch.
13	57	62	50	29,45	29,37	29,42	" 2 " 4-10 "
14	54	65	56	29,50	29,50	29,50	clear. S.W. to W.N.W.
15	60	69	58	29,50	29,50	29,50	" W.N.W. to N.
16	60	74	58	29,50	29,52	29,32	" S.E. ; 8 P. M. showery.
17	56	67	57	29,30	29,37	29,50	rain 10 P. M. 2-10 ; S.W.; forte.
18	60	70	58	29,55	29,50	29,50	clear, West, S.S.E.
19	58	60	55	29,32	29,37	29,35	cloudy, light showers.
20	56	68	57	29,45	29,45	29,45	cold, S.S.E. forte.
21	54	60	52	29,50	29,50	29,52	rain 2 A. M. 7 A. M. 6-10 S.W.
22	54	67	56	29,57	29,55	29,52	clear, W.N.W. "
23	59	72	62	29,52	29,52	29,50	" " "
24	60	72	52	29,50	29,50	29,45	" " "
25	56	68	54	29,45	29,47	20,45	cloudy and cold N.W.
26	57	67	55	29,50	29,50	29,50	clear " "
27	57	70	53	29,50	29,50	29,50	" W.S.W.
28	56	65	48	29,50	29,45	29,45	rain 3 P. M. few drops.
29	47	55	50	29,45	29,45	29,50	rain 2to7AM. 6-10, 10 AM 2PM.2-10
30	52	62	52	29,55	29,55	29,55	clear and cold.

In this month, 21 clear days, 9 cloudy days. Rain two inches and seven tenths.

METEOROLOGICAL OBSERVATIONS.

May 1853.

Day.	THERMOMETR. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
	o	o	o	o	o	o	
1	54	66	54	29.55	29.55	29.55	clear, wind N. W.
2	56	70	56	29.55	29.55	29.55	rain 1-10 7 A. M., clear.
3	60	72	58	29.57	29.57	29.57	clear, W. N. W.
4	64	77	65	29.52	29.50	29.45	" N. N. W. to N.
5	65	72	65	29.45	29.45	29.42	" W. to N W.
6	65	80	68	29.42	29 42	29.42	" W. N. W.
7	68	78	65	29.42	29.45	29.45	" W. N. W. to W.
8	64	74	59	29.50	29.50	29.50	" W. N. W.
9	64	71	64	29.42	29.42	29.42	" N. W.
10	60	67	56	29.40	29.35	29.35	" S. W.
11	57	62	56	29.32	29.30	29.30	rain 2 A.M. to 7 A.M. 2-10.
12	56	62	56	29.35	29.37	29.40	" 5-10 inches.
13	58	69	54	29.50	29.52	29.55	clear, S.
14	60	69	58	29.60	29.60	29.60	" "
15	62	73	61	29.57	29.57	29.55	S. to N. W., clear.
16	63	78	63	29.50	29.50	29.50	clear, N. W. strong.
17	66	81	66	29.45	29.42	29.42	" "
18	68	85	72	29.42	29.42	29.42	" "
19	70	83	62	29.35	29.40	29.42	slight rain 6 A. M.
20	58	70	60	29.50	29.52	29.55	rain 8 A.M. to 5 P. M. 4-10.
21	62	70	60	29.55	29.52	29 50	clear, wind N. W.
22	64	78	69	29.45	29.42	29.42	" N. W. to N. N. W.
23	65	78	58	29.40	29.40	29.40	" " "
24	61	71	59	29.40	29.40	29.40	" N. N. W.
25	62	76	64	29.52	29.50	29.50	" "
26	66	82	69	29.45	29.40	29.42	" "
27	64	76	57	29.45	29 50	29.50	" "
28	61	70	57	29.52	29.52	29.52	" "
29	60	64	60	29.50	29.50	29.50	cloudy morn, N. N. W.
30	62	68	64	29.50	29.50	29.50	S. W. rain 5-100 inches.
31	62	76	56	29.50	29.50	29.45	S. W. strong.

Twenty-five days clear, 6 days cloudy, and 1 1-4 inches rain.

METEOROLOGICAL OBSERVATIONS.

JUNE 1853.

Day.	THERMOMETER. 8 AM °	2 PM °	8 PM °	BAROMETER. 8 AM "	2 PM, °	8 PM, °	CLOUDS, WINDS AND RAIN. *Remarks.*
1	62	74	56	29.50	29.45	29.42	clear, W. by N. light.
2	62	76	62	29.42	29.40	29.40	" "
3	71	83	68	29.45	29.45	29 45	clear, W. N. W.
4	80	87	74	29.50	29.45	29.45	clear, W. N. W. to North.
5	74	93	75	29.50	29.45	29.45	clear, N. W.
6	77	95	79	29.45	29.42	29.42	"
7	79	96	78	29.40	29.40	29.40	"
8	78	94	76	29.40	29.40	29.40	"
9	76	86	76	29.40	29.40	29.40	"
10	70	75	70	29.40	29.40	29.40	clear and cool, N. W.
11	70	79	66	29.40	29.40	29.40	" "
12	70	86	68	29.42	29.42	29.42	clear, N. W.
13	72	89	75	29.45	29.45	29.45	"
14	77	90	75	29.45	29.45	29.42	"
15	76	96	83	29.45	29.45	29.42	"
16	82	100	82	29.40	29.35	29.32	"
17	82	96	80	29.35	29.30	29.25	"
18	78	98	82	29.25	29.20	29.20	"
19	80	90	74	29.20	29.20	29.15	morning cloudy, drops of rain.
20	75	94	77	29.25	29.25	29 20	" " "
21	74	94	77	29.25	29.25	29.22	clear, N. W.
22	74	92	76	29.35	29.35	29 35	"
23	73	93	76	29.35	29.35	29.35	"
24	72	86	64	29.35	29.35	29.35	"
25	65	84	67	29.45	29.45	29.40	"
26	65	70	63	29.45	29.45	29.45	clear W. N. W.
27	65	81	70	29.55	29.55	29.55	" "
28	74	90	74	29.50	29.50	29.45	" "
29	72	86	72	29.40	29 35	29.35	" "
30	73	86	72	29.30	29.30	29.30	" "

Every day clear; one morning cloudy with drops of rain.

METEOROLOGICAL OBSERVATIONS.

JULY, 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
	o	o	o	o	o	o	
1	74	86	72	29.30	29.30	29,30	clear, West.
2	70	86	70	29.30	29.30	29,35	" W.N.W
3	66	87	72	29.40	29.35	29,35	" N. W. to W.N.W.
4	68	86	66	29.45	29.45	20,40	clear, N. W.
5	66	90	76	29.40	29.35	29,30	"
6	74	96	70	29.35	29.35	29,35	"
7	73	87	74	29.40	29.40	29,40	"
8	70	86	72	29.45	29.45	29,40	"
9	67	88	74	29.45	29.45	29,40	"
10	70	86	71	29.45	29.40	39,40	"
11	70	87	73	29.50	29.45	20,40	"
12	70	88	70	29.50	29.45	29,40	"
13	75	89	70	29.45	29.42	29,40	"
14	67	88	72	29.45	29.45	29,40	"
15	70	90	70	29.45	29.45	29,45	"
16	68	83	70	29.40	29.40	29,35	"
17	65	80	66	29.50	29.50	29,50	"
18	68	88	72	29.50	29.50	29,50	"
19	78	92	72	29.50	29.50	29,40	"
20	78	92	72	29.50	29.45	29,45	"
21	70	88	68	29.50	29.45	29,45	light showers 4 P.M., M. clear
22	63	85	55	29.50	29.50	20,50	clear, N.W.
23	70	88	72	29.50	29.50	29,45	"
24	70	92	69	29.47	29.45	29,42	"
25	70	92	72	29.47	29.45	29,42	clear, N.W. to N
26	72	92	70	29 45	29.45	20,40	"
27	68	86	71	29.50	29.50	29,50	"
28	68	86	71	29.50	29.45	20,40	"
29	68	90	76	29.45	29.40	29,35	"
30	67	90	76	29.35	29.40	29,35	"
31	67	90	76	29.40	29.40	29,40	"

Every day clear; a few drops of rain on ohe 21st.

METEOROLOGICAL OBSERVATIONS.

AUGUST, 1853.

Day.	THERMOMETER. 8 AM °	2 PM °	8 PM °	BAROMETER. 8 AM °	2 PM. °	8 PM. °	WINDS, CLOUDS AND RAIN. *Remarks.*
1	67	79	66	29.45	29.45	29.40	clear, N. W.
2	63	80	70	29.45	29.45	29.35	"
3	72	92	74	29.40	29.36	29 32	"
4	70	88	73	29.42	29.42	29.42	"
5	72	88	70	29.50	29.55	29.47	"
6	68	85	68	29.50	29.45	29.45	"
7	63	84	72	29.50	29.50	29.45	"
8	74	85	68	29.47	29.47	29.42	clear, W. strong, chilly.
9	64	84	68	29 42	29.35	29.32	clear, N. W.
10	69	84	72	29.35	29.35	29.37	" W. N. W.
11	72	80	64	29.40	29.35	29.35	" W. by N.
12	66	78	67	29.40	29.40	29.37	" "
13	64	78	70	29.40	29.40	29.35	" N. N. W.
14	72	90	72	29.40	29.40	29.35	" N. W.
15	64	88	70	29.40	29.40	29.35	" "
16	71	90	74	29.40	29.40	29.35	" "
17	73	93	78	29.40	29.30	29.35	" "
18	72	90	68	29.42	29.40	29.40	" "
19	68	90	74	29.40	29.40	29.37	" "
20	70	90	76	29.40	29.37	29 32	comet N,W. 8 1-2 P.M. 10° above horizon.
21	70	92	72	29.35	29.35	29.35	
22	68	89	70	29.45	29.40	29 40	clear, N. W., comet 8 1-2.
23	63	86	69	29.45	29.45	29.45	" "
24	63	84	69	29.45	29.45	29.40	" "
25	62	82	66	29.42	29.40	29.37	" "
26	60	78	70	29.42	29.40	29.40	" "
27	64	80	65	29.47	29.45	29.42	" "
28	60	66	62	29.45	29.45	29.45	drops rain 8 to 10 A.M. & 12 M.
29	63	78	64	29.45	29 47	29.45	clear, W. N. W.
30	64	76	62	29.52	29.52	29.50	" "
31	62	78	65	29.50	29.45	29.40	" "

Clear and sunshine every day—light rain on 28th

METEOROLOGICAL OBSERVATIONS.

SEPTEMBER, 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
1	63	75	64	29,35	29,32	29,30	clear, W.N.W.
2	64	77	60	29,35	29,37	29,35	" W. by N.
3	61	73	62	29,55	29,55	29,55	" N.E. by N.
4	64	81	67	29,55	29,47	29,45	" W.
5	64	92	78	29,45	29,42	29,45	" N by N.
6	72	98	72	29,45	29,42	29,42	" N. W.
7	68	90	71	29,45	29,45	29,50	"
8	64	84	66	29,45	29,35	29,30	"
9	61	78	60	29,42	29,40	29,40	"
10	59	76	60	29,52	29,50	29,50	"
11	58	80	63	29,55	29,50	29,45	"
12	68	84	60	29,45	28,45	29,40	clear, W. to N. W.
13	58	75	61	29,50	29,45	29,45	clear, W. by S to N. W.
14	60	78	64	29,45	29,50	29,45	clear, N. W.
15	60	72	58	29,45	29,45	29,45	"
16	63	73	61	29,50	29,50	29,45	"
17	66	76	64	29,50	29,45	29,45	"
18	66	82	72	29,50	29,45	29,45	"
19	66	90	70	29,50	29,47	29,45	"
20	68	93	76	29,50	29,47	29,45	"
21	68	92	70	29,50	29,47	29,45	"
22	63	92	68	29,50	29,47	29,45	"
23	70	84	70	29,45	29,40	29,40	"
24	66	75	60	29,40	29,32	29,30	clear, W. by S. to N. W.
25	60	80	60	29,32	29,32	20,35	clear N. W.
26	62	80	62	29,32	29,32	29,35	"
27	61	76	61	29,55	29,50	29,50	"
28	61	80	62	29,55	29,50	29,47	"
29	63	86	63	29,47	29,42	29,40	"
30	68	90	75	29,50	29,47	29,42	"

Every day clear; no rain.

METEOROLOGICAL OBSERVATIONS.

OCTOBER, 1853.

Day.	THERMOMETR. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
	°	°	°	°	°	°	
1	66	88	72	29.55	29.52	29.52	clear, wind N. W.
2	72	90	72	29.55	29.55	29.55	" "
3	74	92	74	29.60	29.55	29.52	clear, W. N. W.
4	72	92	72	29.60	29.52	29.50	" "
5	72	90	72	29.55	29.52	29.50	" "
6	62	86	68	29.50	29.47	29.47	" "
7	60	76	50	29.50	29.50	29.52	morning cloudy, noon clear.
8	52	72	56	29.52	29.52	29.47	clear, N. W.
9	56	80	66	29.42	29.40	29.40	" "
10	64	80	64	29.47	29.47	29.45	shower 7 to 8 A. M, then clear.
11	58	78	68	29.47	29.45	29.40	clear, wind, W. N. W.
12	60	74	66	29.50	29.45	29.47	" "
13	58	84	64	29.50	29.50	29.50	" N. W.
14	59	85	64	29.50	29.45	29.47	" "
15	57	85	62	29.50	29.50	29.50	" "
16	58	86	70	29.57	29.55	29.55	" "
17	60	86	66	29.55	29.50	29.50	" "
18	60	78	68	29.50	29.50	29.50	" "
19	62	82	66	29.50	29.50	29.50	rain 6 A.M. drops S. W.
20	62	82	72	29.50	29.50	29.50	clear, wind N. W.
21	64	88	70	29.55	29.47	29.47	" "
22	64	84	54	29.35	29.30	29.30	" "
23	60	82	68	29.40	29.40	29.47	" "
24	60	76	62	29.50	29.40	29.40	" "
25	54	72	64	29.50	29.47	29.45	" "
26	54	74	64	29.55	29.52	29.52	" "
27	58	78	62	29.52	29.57	29.57	" "
28	56	80	64	29.70	29.70	29.70	" "
29	58	82	66	29.80	29.75	29.72	" "
30	56	80	66	29.72	29.70	29.55	" "
31	60	80	60	29.32	29.32	29.32	" "

Every day clear—on three mornings light showers.

METEOROLOGICAL OBSERVATIONS.

NOVEMBER, 1853.

Day.	THERMOMETR. 8 AM °	2 PM °	8 PM °	BAROMETER. 8 AM. ″	2 PM. ″	8 PM. °	CLOUDS, WINDS AND RAIN. *Remarks.*
1	60	80	60	29.32	29.32	29.32	clear, wind N. W.
2	55	75	60	29.45	29.45	29.45	" "
3	50	76	60	29.50	29.50	29.50	" "
4	52	72	60	29.55	29.50	29.50	" "
5	56	72	60	29.45	29.42	29.35	" "
6	55	70	60	29.35	29.30	29.32	" "
7	54	70	58	29.87	29.50	29.60	" "
8	50	66	60	29.80	29.88	29.75	" "
9	54	68	62	29.75	29.70	29.68	" "
10	60	70	56	29.65	29.62	29.60	rain at 6 A. M. 3-10 inches.
11	50	74	55	29.62	29.58	29.60	clear, N. W.
12	45	78	56	29.60	29.57	29.55	" "
13	50	84	60	29.55	29.50	29.50	" "
14	54	58	52	29.45	29.45	29.45	rain, S. by E. 10 A. M. 1-10.
15	50	70	48	29.50	29.50	29.50	changeable, S. E.
16	46	52	50	29.45	29.45	29.40	rain 10 A.M. 2-10, S. by E.
17	55	57	55	29.47	29.50	29.50	cloudy, N. by W.
18	62	75	56	29.48	29.50	29.50	clear, E. by S.
19	53	80	57	29.70	29.70	29.70	clear, E. by S., N. by W.
20	52	80	52	29.72	29.67	29.52	" E. S. E. and E. by N.
21	52	76	60	29.72	29.67	29 52	" W. by S., W. by N. fog.
22	40	55	60	29.60	29.52	29.52	" N. by W. foggy.
23	42	60	52	29.50	29.50	29.50	" "
24	47	52	48	29.42	29.37	29.30	" E. by S.
25	48	54	48	29.45	29.45	29.40	" S. by E. and S. S. E.
26	47	55	47	29.40	29.40	29.40	" N. W.
27	50	58	49	29.37	29 35	29.35	" "
28	49	60	48	29.35	29.35	29.35	" "
29	51	62	48	29.40	29.40	29.40	" "
30	54	68	50	29.45	29.45	29.45	" "

Four days cloudy—26 clear, and 6-10 inches rain.

METEOROLOGICAL OBSERVATIONS.

DECEMBER, 1853.

Day.	THERMOMETER. 8 AM	2 PM	8 PM	BAROMETER. 8 AM.	2 PM.	8 PM.	CLOUDS, WINDS AND RAIN. *Remarks.*
	o	o	o	o	o	o	
1	48	80	54	29.60	29.60	29,60	clear, E. by S.
2	46	76	56	29.60	29.52	29,60	clear, E. by N.
3	45	80	58	29.60	29.60	29,50	morning foggy, E. N. E.
4	42	82	44	29.57	29.60	20,60	" E. by S., E. by N.
5	48	64	48	29.65	29.65	29,65	" W by N.
6	43	50	46	29.75	29.75	29,75	cloudy, E., E. S. E.
7	48	52	48	29.75	29.75	29,72	" E.
8	44	52	46	29.67	29.55	29,52	" S. E.
9	46	64	42	29.45	29.35	29,20	rain 6 A. M. 2-10, E. S. E.
10	48	57	44	29.35	29.40	39,45	rain 1 inch, E. S. E clear,
11	38	69	46	29.35	29.40	20,45	frost, W. and N. by W.
12	39	54	49	29.47	29.42	29,35	fog E. by S. clear.
13	34	58	42	29.45	29.42	29,38	fog, frost, N. W.
14	36	68	40	29.47	29.50	29,50	" "
15	30	67	40	29.52	29.52	29,55	frost, N. W.
16	32	70	44	29.70	29.75	29,72	" "
17	34	70	43	29.52	29.60	29,50	" "
18	30	70	42	29.52	29.60	29,50	fog, frost, N. W.
19	34	62	40	29.40	29.45	29,47	clear, S.
20	44	56	40	29.32	29.35	29,35	rain 2-10, S. E.
21	42	56	42	29.37	29.37	29,45	clear, N. W.
22	34	65	40	29.50	29.50	20,55	frost, N. W.
23	30	50	38	29.50	29.50	29,58	" W.
24	36	45	37	29.60	29.57	29,60	rain 2-10.
25	30	50	34	29.67	29.60	29,70	clear, W. by N. N.
26	32	43	34	29 62	29.70	20,75	foggy, E. N. E., E.
27	34	50	34	29.80	29.75	29,70	foggy, W. by S.
28	38	46	36	29.60	29.60	20,65	rain, 4 P.M. 1-10 S.
29	37	52	38	29.75	29.75	29,75	rain 1-10 N. W.
30	32	62	40	29.75	29.80	29,70	clear, E. by S.
31	28	56	38	29.80	29.77	29,75	" "

Nine days cloudy, 21 clear, and 1 4-5 inches rain.

The climate of Stockton and the San Joaquin Valley, is very mild and equable. The variations of the thermometer and barometer are very slight; and the number of cloudy days is very small compared with those of clear sunshine.

In the whole year there were only 48 cloudy and rainy days, the remaining 317 days were clear with a bright sun.

The whole quantity of rain during the year was 12 1-6 inches.

The coldest morning was December 31; thermometer 28°.

The coldest noon was December 26: thermometer 43°.

The coldest night was December 25; thermometer 34°.

The warmest morning was June 16; thermometer at 82°.

The warmest noon was June 16; thermometer at 100°.

The warmest evening was June 15; thermometer at 83°.

The prevailing winds are almost universally from the north-west during the dry season, while during the wet season they proceed from the south-west, south-east and south.

The barometer on June 19, ran down to 29 15, and on November 8, rose as high as 29 87. These were the extremes during the year.

ROBT. K. REID, M. D.

Document No. 4.

IN SENATE.] [SESSION OF 1854.

CORRESPONDENCE

OF THE

SECRETARY OF THE NAVY,

AND

U. S. ATTORNEY GENERAL

IN REFERENCE TO

MARE ISLAND.

[GEORGE KERR, STATE PRINTER.

CORRESPONDENCE.

[COPY.]

U. S. NAVY DEPARTMENT,
October 3, 1853.

SIR:

I have the honor to address your Excellency on a subject of much interest to the State of California, as well as to the United States.

The last Congress made certain appropriations for the purpose of erecting buildings, &c., with a view to establish a navy yard at San Francisco. There was passed at the same time, also, an Act in reference to the construction of a basin and rail-way, in connection with the dock now being built in the bay of San Francisco. My predecessor, in the exercise of authority with which Congress has invested him, selected Mare Island, as the most suitable place for the navy yard, and the proper place for the dock; he accordingly purchased the same. There is a law, passed in 1841, September 11, which enacts, "That no public money shall be expended upon any sight or land hereafter to be purchased by the United States for the purposes aforesaid, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, and also the consent of the Legislature of the State, in which the land or site may be, shall be given to said purchase." Congress, however, for some reason evinces much particularity in this case, and accompanies the Act in regard to the expenditure of money in San Francisco with this proviso, "That before this sum shall be expended the Attorney-General of the United States have good title to the land upon which the buildings are to be erected."

In view of these facts, it becomes my duty to ask the opinion of the Attorney-General, a copy of which accompanies this communication.

This opinion did not reach me in time to forward it to California before the adjournment of the Legislature. Extracts from the opinion were fur-

nished to the two distinqu·shed Senators from Califnrnia, who manifested much interest in having these important works completed ; I learn, however, that the intelligence did not reach California until the Legislature had adjourned.

I appreciate the great importance of a Navy Yard to California, and to the commerce of the Pacific. I regret that under the opinions of the Attorney, (the clearness and force of which will strike you,) the law will not allow me to commence these works until some action on the part of your State Legislature. I therefore request your Excellency, at the earliest practicacable convenience, to invite the attention of the Legislature to this subject, in order that proper acts may be passed, ceding jurisdiction and relinquishing title to Mare Island.

When these difficulties are removed I shall be pleased to receive early information of the same, to the end that I may at once proceed to expend the appropriation for the purposes contemplated by the Act of Congress.

I have the honor to be,
Very respectfully,
Your ob't servant,
J. C. DOBBIN.

His Excellency John Bigler,
Governor of California,
San Francisco, Cal.

The above is written under the impression that no act or cession has been passed by the Legislature of California ; should, however, such an act have been passed, will you be good enough to have the Department furnished with an official copy.

J. C. D.

Attorney General's Office,
April 9th, 1853.

Sir :

I have received your communication of this date, the questions presented by which, will appear by what follows :

The Act of March 3d, 1853, making appropriations for the Naval Service for the next fiscal year, appropriates the sum of one hundred thousand dollars towards certain objects of construction at the Navy Yard in San Francisco, provided, that before this sum shall be expended, the Attorney General of the United States shall decide that the United States have good title to the land upon which the buildings are to be erected.

As there was already permanent provisions by law requiring that no public money shall be expended upon any site or land purchased by the United States, for the purposes of erecting thereon, Navy Yards or other

public buildings of any kind whatever, until the Attorney General shall have passed on the title, it is to be assumed that Congress had some special reasons for making the specific enactment recited.

The probable reasons for this, may be gathered from the document accompanying your letter and from other sources. In the Act of August 31st, 1852, making appropriations for the Naval Service, there is an appropriation of one hundred thousand dollars, for the commencement of a Navy Yard in the Bay of San Francisco, either by purchase or by reservation of public lands.

In the execution of the law, the Secretary of the Navy, it seems, selected as the proposed site, a tract of land in the Bay of San Francisco, called Iola de la Segua or Mare Island, which land being subject to certain private claims, the question of title was of course submitted to the Attorney General.

The opinion of the Attorney General upon the facts and documents presented to him, is to the effect, that Mare Island is public domain of the United States, subject however, to adverse claims, derived from one Victor Castro, who alleges title by grant from the Mexican Government, anterior to the conquest of California by the United States. Without absolutely deciding on the validity of this claim, which in in fact depends on the proceedings now pending under the provisions of March 3d, 1851, and August 31st, 1852, for the settlement of private land claims in California, and could not now be decided by him, it being still *sub-judice*, the Attorney General (Mr. Crittenden) came to the conclusion that there was much of colorable, or at least possible grounds for the Castro claim, as to justify the payment of a large sum of money by the United States to silence and extinguish it, which, it seems has accordingly been done. What Mr. Crittenden really passed upon, therefore, was the claim of title vesting in the United States by conveyances in the nature of quit-claims all the interest, whatever it might be, of Victor Castro, and authorising the payment by the Secretary of the Navy of the sum of public money requisite for the purpose of purchasing up that claim, which is yet to be finally adjudicated by the Courts of the United States.

Mr. Crittenden also expressed the opinion that no individual except Castro or his grantees had, or could have, good claim as against the United States, in which view of the subject, the final decision in the pending case of Castro against the United States would be no otherwise material than as, if in favor of Castro, it would then dispose of any other dormant private claims adverse to the general title of the Government.

But this conclusion must be limited to the question of claims of a date anterior to the conquest of California. It cannot exclude any adverse claim originating at a date subsequent to the conquest, such as that set up by one Harry Sanford, and which Mr. Crittenden assumes to be disposed of by the superior adverse claim of the grantees of Victor Castro. The grounds of Sanford's claim do not appear in the papers submitted to me, and I cannot without further information, express my opinion regarding it, except to say I do not think it safe to rely on that of Victor Castro as a complete answer to it.

The Castro claim, as already explained, is now in litigation in a suit against the United States, commenced before the California Land Claim Commissioners, and it is impossible to know beforehand what may be the decision of

the Supreme Court of the United States in the case, when it shall be heard on appeal. It involves difficult and important questions of law which the Commissioners, to be sure, have decided in favor of the claimants, but which the supreme Court may decide otherwise. What the United States got by the purchase by Castro's grantees is a disputed claim, which may or may not be settled in favor of Castro, by the Supreme Court.

True, the United States may decline to resist the claim of Castro in the pending suit, and by consent or omission to enter an appeal; may in fact take the side of the adverse party, his claim being vested in them, and allow a final judgment to be entered affirming the grant to Castro; but I as Attorney-General, in view of the special duties imposed on me by the Acts for the settlement of private land claims in California, and of my general obligation to look after the rights of the United States in the premises, cannot pursue this course. I must not admit that the purchase of the Castro claim by the United States operates in any way, either by implication or otherwise, as a waiver of the general rights of the United States in the premises, or as an assent, either express or implied, to the pretended validity of the grant to Castro. I must and do, in behalf of the United States, utterly reject this idea.

When the transcript of the case of Castro's grantees against the United States, comes to me in comformity with the provisions of law, I shall as of course, in defence to the plainest dictates of public duty, carry it by appeal before the Supreme Court, for the obvious reason that the case is not an isolated one, and that if the question of law involved in it be decided in favor of the claimants, the decision takes from the United States, I know not how, many millions worth of land in California which is otherwise public domain.

Confirmation by the Commissioners, or the purchase by the United States, of the claim of Castro, may, perhaps, as intimated by Mr. Crittenden, be taken as supplying that defect in Castro's title, which consists of the want of the assents required by the Mexican law of the Departmental Deputation; but it cannot supply other and much more serious *desiderata* in the title, the decision of which remains for the Supreme Court.

In addition to which, it is to be considered that whatever might be the legal effect by way of waiver, estoppel or otherwise, of any transaction in the premises, between Castro's grantees and the United States, probably no such transaction could affect the rights of Sanford or any other adverse claimants, save the grantees of Castro. Sanford or any other person, may not be precluded by anything the United States can do, from setting up a claim better than Castro's, that is denying the validity of the original grant to Castro and so ousting the United States.

Assuming therefore, that the grant to Castro, though it be the only adverse claim of date anterior to the acquisition of California, yet is no sufficient answer to any claim of origin subsequent to that date. We now arrive at a new class of considerations, material to be discussed, *weighed*.

The late Secretary of the Navy, it seems, in proper solicitude to explore this matter thoroughly, called on Mr. Cooley, the law agent representing the United States before the California Land Claim Commissioners, for his opinion as to the title of Mare Island; which opinion is among the papers filed, and is entitled to consideration.

Following up the suggestions of enquiry made by Mr. Cooley, I am satisfied that the State of California may set up, and probably maintain title as against the United States to so much of Mare Island as is subject to overflow by water, whether periodically or otherwise, that is, at least, to all below high water mark.

In the first place, the Supreme Court has decided, in the case of Pollard *vs*, Hagan, 3 Howard, 212, that the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively, and the new States have the same right—sovereignty and jurisdiction over this subject as the original States. This decision has been re-examined, and more than once re-affirmed by the Supreme Court: see Goodrich *vs*. Kibbe, 9 Howard 471–477 ; and Doe *vs*. Beebe, *et al.*, 13 Howard, 25. It is immaterial, under these decisions, whether the general sovereignty of the United States, and their right of domain, came by treaty with a foreign power or otherwise. In all cases, on the admission of any State into the Union, the land of the shores below high water mark, passes to, and vests in that State by virtue of the Constitution.

In the second place, by an Act of Congress, passed the 20th day of September, 1850, all the swamp and other *overflowed* lands in the State of Arkansas, made thereby unfit for cultivation, are granted to said State, and then the provisions of the Act are extended to, and its benefits conferred upon, each of the other States of the Union, in which such swamp and other overflowed lands may be situated. The State of California had already, by Act of September 9th, 1850, been admitted into the Union, and is, of course, entitled to all the uncultivated overflowed lands within its limits as against the United States. It seems to me, that on one, or both of these grounds, the state of California may lay claim to all that of Mare Island, which is not above high water mark, and which is just as necessary as the upland, nay! more necessary for the purposes of a Navy Yard. It will not avail anything for the United States to acquire the upland, unless it may construct wharves and docks, which, of course, must be situated on this very overflowed or tidewater shore land ; Nay! how can the United States enjoy the use of Mare Island as a Navy Depôt, while its entire shore belongs to California, who's rights of property may shut up the Island against all access of ships, as effectually, as if it were surrounded by a wall of granite. There is another class of questions, suggested by Mr. Cooley, concerning which there is not sufficient information in the documents before me, to enable me to form any satisfactory judgment, and that is, the possibility of an adverse title to some part of Mare Island having been acquired by any individual since the conquest and cession of California. I suppose a proper investigation of the claim of Henry Sandford would afford, or lead to, the requisite information as to this general head of inquiring into the title, without possessing which, I can give no opinion on the subject.

I recommend, therefore, as indespensible pre-requisites to any lawful expenditure of public money on Mare Island:

First. That due investigation be had, through the District Attorney for the Northern District of California, or otherwise, into the claim of Henry

Sandford, and any other ground of individual claim of date subsequent to the conquest.

Secondly. That the State of California be invited to relinquish to the United States whatever claim, if any, she may have, to the shores or overflowed land of Mare Island.

I have the honor to be
Very respectfully,
C. CUSHING.

Hon. JAS. C. DOBBIN,
Secretary of the Navy.

Document No. 6.

IN THE ASSEMBLY.] [SESSION OF 1854.

GOVERNOR'S SPECIAL MESSAGE

AND

COMMUNICATION FROM

S. A. M'MEANS, STATE TREASURER.

IN RELATION TO THE

PROMPT PAYMENT OF THE INTEREST AND PRINCIPAL OF THE CIVIL DEBT OF THE STATE.

[GEORGE KERR, STATE PRINTER.

GOVERNOR'S SPECIAL MESSAGE

AND

COMMUNICATION FROM HON. S. A. M'MEANS, STATE TREASURER.

EXECUTIVE DEPARTMENT,
Benicia, Feb. 4, 1854.

To the Senate and Assembly:

I have the honor herewith to transmit a copy of a communication from the Hon. S. A. McMeans, State Treasurer. The suggestions it contains are cordially approved, and I trust will receive your early and favorable consideration.

JOHN BIGLER.

STATE TREASURY DEPARTMENT,
Benicia, February 3, 1854

TO HIS EXCELLENCY GOVERNOR JOHN BIGLER:—

SIR:—The time is rapidly approaching when the Legislature should proceed to consider such revenue measures as they may deem necessary to secure the prompt payment of the interest and principal of the Civil Debt of the State.

As the late Treasurer's Annual Report only extends to the conclusion of

the fiscal year ending June 30th, 1853, and I am not aware that a supplementary report has been submitted to your Excellency; and as some important changes have taken place in the condition of the State indebtedness since that period, I desire to submit to you, a brief statement of facts which may aid the Legislature, to some extent in determining the alterations necessary to be made in the present revenue laws.

It is deemed necessary to state that the sinking fund now on hand, which has been provided by law, to liquidate the principal and interest on the three per cent. bonds, or bonds issued under the provisions of an act, entitled "An Act creating a Temporary State Loan," passed February 1st, 1850, is ample for that purpose, and therefore any further provision for these will be unnecessary. There is at present a sufficient amount in the Treasury, to meet the interest falling due in July next, on the seven per cent. civil bonds, issued under the provision of the funding act of 1851, and leave a surplus of $39,476 22 for the redemption of the principal.

On the 9th of January, 1854, I proceeded to advertise for the redemption of $32,000 00 of the principal of said bonds, agreeably to the provisions of an act, entitled, "An Act supplementary to an Act to fund the debt of the State," &c., approved May 4th, 1852.

The total amount of Civil Bonds issued under the provisions of the funding act of 1851, according to the records in this office, was, ...	$458,500	00
Total amount redeemed to date, . . .	98,000	00
Amount now outstanding exclusive of interest, .	$360,500	00
Of this amount there will fall due on the 1st of March, 1855,	$131,500	00
Deduct from this amount, the sinking fund now on hand, exclusive of interest, ...	39,476	22
Balance due 1st of March, 1853, exclusive of interest,	$92,023	78

To meet this, we may reasonably calculate upon whatever cash may be received hereafter in payment for State property, sold under the provisions of "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, &c." approved May 18th, 1853, together with the proceeds of the fifteen cents property tax provided by the present revenue law.

But it should be remembered, that while the last Legislature had but sixty-five millions of taxable property as a source of revenue, to base their calculation upon, the present will have near one hundred millions; therefore, without taking into consideration the *cash* proceeds of the sales of the State property in San Francisco, but little doubt could be entertained of our ability to pay the entire interest accruing on the seven per cent. bonds of 1851, up to January 1st, 1855, and of promptly meeting so much of the *principal* on the same as will fall due the 1st March, 1855. Hence, I infer that the assessment of fifteen cents might be reduced with safety, at least one-third; thus lessening the burden of taxation on the people. This opinion is strength-

ened by the fact, that $327,000 of the bonds issued in 1851, will not fall due until the year 1861.

Presuming that a considerable amount of cash will be received on the sales of the property above mentioned, which will be turned over to the sinking fund of 1851, a reasonable calculation may be made on a speedy liquidation of the funded debt of 1851.

The seven per cent. civil bonds issued under the provision of an Act approved May 1st, 1852, and the supplementary Act, approved May 17th, 1853, constitute the only portion of our civil indebtedness which would appear to require additional provisions for its payment.

The total amount of these bonds issued, as appears by the records of this office, is	$1,419,000 00
Total amount redeemed to date, ...	24,500 00
Balance outstanding, exclusive of interest, . .	$1,394,500 00

To meet the interest which will fall due the 1st of July next, on this amount, we have on hand, $10,758 27. To this, if authorised by law, might be added the unemployed 20,000 now on hand, and set apart for the redemption of the principal of the State Prison bonds, without prejudice to their present holders, and would leave but little to do on the part of the Legislature, to enable me to make the July payment.

The necessary means for the support of Common Schools, in which all must feel a deep interest, will not of course be overlooked by the Legislature.

The interest arising from the sales which have been made of a portion of the five hundred thousand acres of school lands, donated to the State for school purposes, has proved to be inadequate to meet the public demands, now that the free school policy adopted at the last session of the Legislature, is beginning to be fully carried out. The partial experiment already made, has had the effect to reveal the fact, that California now has thousands within her limits, whose tender ages disqualify them for active participation in the affairs of Government, but to whom ere long, must be entrusted, to an important extent, the defence and preservation of her republican institutions; a reflection, which doubtless inspires every philanthropic and patriotic bosom, with a sincere desire, that they to whom this great trust is to be committed, should be fully prepared to protect it understandingly. With a due regard to the dictates of prudence and wisdom, these great ends can be accomplished, and all reasonable assurance given of the willingness and ability of the State to promptly fulfil all her pecuniary obligations,

I have the honor to be,

Your Ob't Servant,

S. A. McMEANS,

State Treasurer.

Document, No. 7.

IN THE SENATE.] [SESSION OF 1854.

GOVERNOR'S

SPECIAL MESSAGE TO THE LEGISLATURE

IN RELATION TO

CORPORATIONS.

[GEORGE KERR, STATE PRINTER.

SPECIAL MESSAGE.

EXECUTIVE DEPARTMENT,
Sacramento City, April 8th, 1854.

To the Senate and Assembly of California:

After careful examination, I deem it my duty to direct the attention of the Legislature to the several acts on the statute books concerning corporations, and more particularly to the chapter in relation to the formation of Steam Navigation Companies.

The evils which may result from the passage of laws, under which powerful monopolies can be organized, are considered of such magnitude, as not only to justify, but require a careful revision of all past legislation on the subject, with a view of supplying the restrictions and limitations necessary for the protection of public rights and interests.

The fact that companies have been organized and exist under the acts heretofore passed, it is proper to State, does dot interfere, in the least, with the right of the legislature either to amend or repeal any or all of them.

The 31st section of the 4th article of the constitution, provides for the formation of corporations under general laws, and that "all general laws and special acts, passed pursuant to this section may be *altered*, from time to time, or repeal" and the 30th section of the act of 1850, under the head of "general provisions" authorized the legislature at any time, "to *repeal* the act and *dissolve* all corporations created under it."

The right of the legislature to amend or repeal the several existing laws concerning corporations, must, therefore, be conceded; and that they require revision, it is believed, will be admitted by all after careful examination.

In the formation of laws authorizing the organization of companies, the manifold interest of the public should be carefully guarded, either by fixing reasonable rates in the act itself, or by vesting the power to prevent exorbitant charges upon commerce and travel, in the courts, to be exercised whenever necessary.

The existing corporation laws, in fact, are all, more or less defective, and require careful modification, so as to fully protect the public against unreasonable exactions.

Comparatively, but few companies have, as yet, been organized under the existing laws; and all the modifications, necessary for the security of public interests and to relieve the people from the oppressive exactions of existing monopolies, can now be made without material interference with the rights or interests of any portion of our citizens.

The act authorizing the formation of "Steam Navigation Companies," and the act of 14th April, 1853, so far as it relates to the organization of corporations "for the purpose of engaging in any species of trade or commerce, foreign or domestic," are loose and vague in their terms, and contain no provisions protecting the public against unreasonable charges for travel or freight.

The 33d section of the act autorizing the formation of Railroad Companies, approved April 22d, 1853, provides "that it shall be unlawful for the corporation, its officers, or employees, to charge more than twenty cents per mile for each passenger, and sixty cents per mile for each ton of freight," and for every transgression of such limitation the corporation shall be liable to the party suffering thereby, "treble the entire amount of freight charged to the party." And further, that "any *reduction* below the rates above mentioned shall be left *entirely* to the decision and control of the corporation itself."

This Act, it is true, fixes charges which cannot be exceeded; but it also *provides* that the power of *reducing* them can *only* be exercised by the corporation itself; thus leaving the people without remedy against exorbitant exactions.

The charges allowed in the section above referred to, it will be observed are enormously high: and were the same rates applied to the Pacific Railroad passage to the Missouri line, computing the distance at twenty-five hundred miles, would cost five hundred dollars, and each ton of freight fifteen hundred dollars. Yet these charges are permitted to be exacted under the existing law, and their reduction placed *solely* in the discretion of the corporation itself.

Experience has demonstrated the necessity of incorporating in all Acts, authorizing the formation of Corporate Companies, such restrictions and limitations as to render them, in the exercise of the privileges granted, beneficial and not detrimental to the prosperity of the whole people.

It has been well said that "there are no necessary evils in government," and that "its evils only exist in its abuses."

That in the full enjoyment of the gifts of heaven and the fruits of superior skill, industry and economy, every man is equally entitled to protection by law; but when laws are so framed as to add to these natural and just advantages, by granting exclusive privileges, which make the rich richer, and the potent more powerful, the humble members of society, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of the government.

Industry and enterprize rewarded by the special privileges enjoyed by corporations, have in a few years made California, in many important respects, superior to most of the older States of the confederacy. To continue her prosperity and develope with sufficient rapidity her mighty

resources, it is only necessary to give the people wholesome general laws for the protection of person and property, and to prevent monopolies from controlling the main sources of her wealth, as well as the principal avenues of trade and travel.

Under enactments such as now exist upon our own statute book, monopolies of the most oppressive character have grown up in most of the States of the Union, and become so powerful as almost to defy legislative authority, and sufficiently potent to seriously interfere with the rights and interests of the people.

California as yet, has suffered comparatively, but little from the exactions of monopolies, organized under her laws; but it is nevertheless true that the merchants at several points in the north have held public meetings and subscribed means for the purchase of steamers to be controlled by themselves, as the only mode of escaping the unreasonable exaction of an existing monopoly.

Judicious modifications, however, can now be made which will not only effect present good, but forever preserve the people of California from the evils which grievously oppress the people of other sections of this great confederacy.

Under our government where the masses have the right and the power to prescribe the kind and character of laws by which they are to be governed, it should be the endeavor, as it is the duty, of the representative so to frame enactments as to protect their interests from being trampled upon by corporations, organized for the accomplishment of objects beyond the means of individual enterprize In fact legislation should ever have in view the protection and prosperity of industry; and while inviting within our borders capital and enterprize, by all lawful and proper inducements, should so surround them with checks and limitations as to prevent them being made instruments of extortion and oppression.

The interests of the great body of the people of California are identified with labor, and opposed to extending the influence of government to the advancement of the few at the expense of the many.

It may, however, be urged that were the restrictions proposed, incorporated in the several acts concerning corporations, capitalists instead of availing themselves of the benefits of existing laws, would form combinations for the purpose of evading these restrictions.

It is a sufficient answer to this objection to state, that under the common law, all persons connected with such combinations would be liable to indictment and prosecution as "conspirators against the public good."

On this point the common law is clearly laid down by a learned chief-justice, as follows: "A combination is criminal whenever the act to be done has a necessary tendency to *prejudice* the public, or to *oppress* individuals by unjustly subjecting them to the power of the confederate, and giving effect to the purposes of the latter, whether of *extortion* or mischief."

Again. "combinations may be oppressive by compelling the public to give *more* for an article of necessity or convenience than it is worth, or, on the other hand, of compelling the labor of a mechanic for *less* than its value."

The Act authorizing the incorporation of steam navigation companies grants important privileges, but imposes no restrictions whatever, in the exercise of a vast and exclusive power, the tendency and effect of which

must be to prevent lawful and desirable competition in an extensive and lucrative department of internal commerce and trade.

I would therefore respectfully call your attention to the omission and defects of the existing laws concerning corporations, and especially recommend that the several Acts authorizing the incorporation of railroad, steam navigation, stage, plank road and turnpike companies be so restricted in their provisions, as to protect the people against exorbitant and unreasonable charges for travel, or the transportation of freight.

JOHN BIGLER.

Document No. 9.

IN THE ASSEMBLY.] [SESSION 1854.

REPORT

ON THE

GEOLOGY OF THE COAST MOUNTAINS,

AND PART OF THE

SIERRA NEVADA:

EMBRACING THEIR INDUSTRIAL

RESOURCES IN AGRICULTURE AND MINING,

BY DR. JOHN B. TRASK.

[B. B. REDDING, STATE PRINTER.

To His Excellency,

JOHN BIGLER,

Governor of the State of California.

Pursuant to resolution of Assembly, passed Feb. —, 1854, I have the honor herewith to submit the accompanying report on the Geology of that portion of the State, authorized by Joint Resolution of Senate and Assembly of the fourth session, all of which, with accompanying plates, is respectfully submitted.

Yours, &c.

JOHN B. TRASK.

To the Senate and Assembly

of the State of California.

Under the Joint Resolution, passed May 6. 1853, by the Senate and Assembly of the State of California, authorizing a farther Geological examination of some parts of the Sierra Nevada and Coast Mountains, and report the results of the same to the ensuing Legislature, I have the honor of submitting the following report in relation thereto, and in conformity to the above requisitions.

JOHN B. TRASK.

PREFACE.

The examinations authorized were entered upon soon after the passage of the resolution, and continued until the 28th of November, comprising a period in the field of about six months. The first five weeks were occupied in examinations of the more elevated and western portions of the Counties of Butte, Sierra, Yuba, Nevada and Placer, in determining, as far as possible, the position of an ancient water course in this section of the State, and its peculiarities—the description of which will be found in the body of this report.

On the 23d June, the southern portion of the tour was commenced, and carried on almost uninterruptedly for four months. The route south was carried through the Counties of San Francisco, Santa Clara, Santa Cruz, Monterey, and the north part of Luis Obispo; on the west, and returning on the east, (or through that range denominated the *Monte Diablo* Range) by the west part of Tulare County, Mariposa, Tuolumne, Alameda, Contra Costa and San Joaquin.

The range of country bounded on the north by the Straits Carquinez, and south by the Nacismiento, was divided into four sections, formed by lines running nearly east and west from the great valley to the coast. On the first of October, the country north of the Straits Carquinez was entered, and preliminary examinations only were made in the counties of Solano, Napa and Sonoma. From the County of Napa a section was carried across the basin of the Sacramento, and connected with examinations made two years previous on its eastern edge. A similar section was also made, passing eighteen miles south of Monte Diablo and continued across the San Joaquin.

The remainder of the months of October and November was employed in investigations of the middle mining sections of the County of Nevada and those intermediate between the former and the middle and western parts of Calaveras county. This range leads through that section in which the principal gold mines of the middle portions of the State are located, and was selected, with the view of conducting those examinations which will be found in the appendix of this report, under the head of Quartz Mining. As those mines have of late presented many interesting facts connected with their ultimate prospects, a set of sketches

representing the positions of the views and investing rocks has been given for illustrating their present features.

Doing the tour in the agricultural sections of the State, the modifications of the soils in different sections has been noted, and the natural productions arising as resultants, where they seemed of a general character, and extending over any considerable area. The "Saline lands" have been observed, and the opportunities that were offered for their reclamation, whed at any time demanded. The extent of cropping and resultant crops in some parts of the State, are of peculiar interest, and the facts developed in this particular will prove of much value to our agricultural interests, being an exhibition of the capabilities of some our soils for the production of the necessaries of life, unexcelled in the history of the world.

The temperature of the mountainous and valley sections of both branches of the coast mountains, was noted as far as the nature of attending circumstances would permit, for the purpose of ascertaining as far as possible the peculiar adaptation of the different sections to the culture of exotic fruits and trees, and where no opportunity of personal examination offered, a careful inquiry of persons long resident in different sections, was made, by which many interesting facts have been obtained, relating to this subject.

This report will embrace the examination of a district of country, included within 120° 16′ and 122° 32′ west longitude, and from the thirty-fifth parallel to the thirty-ninth degree of north latitude, inclusive of the coast mountains and mineral districts.

The coast mountains are watered by thirty-two streams, the most of which are small, their names and the counties in which they are located will be found below.

COUNTY.	RIVER.
Sonoma.	Sonoma.—
Napa.	Napa.—
Contra Costa.	Merced.—
Alameda.	San Antonio.—
	San Leandro.—
	San Lorenzo.—
	Alameda.—
Santa Clara.	Coyote.—
	Aguagos.
	San Felipe.—
	Gaudalupe.—
	Los Gatos.—
	Camels.—
	Llagos.
	Carnadero.—
	Pescadero.—
	La Brae.—
Santa Cruz.	San Lorenzo.—
	Lougell.—
	Syante.—
	San Augustine.—

County.	River.
	Corallitos.
Monterey.	Pajaro.
	San Benito.
	Carmello.—
	Berjeles.—
	San Antonio.
	Salinas.—
	Francisquito.—
San Luis Obispo.	Nacismiento.
San Francisco.	San Mateo.
	San Francisquito.—

* There are twenty-three of these streams which furnish a sufficient quantity of water for milling purposes, and are marked with a dash, (—) the above list does not include many small arroyas that course through these sections.

REPORT.

The coast range of mountains, and its included valleys, which form the principle subject of this report, extend from the 42nd paralel north latitude to the southern boundary of the State. Their general features present much more diversity of character than is usually to be found in the eastern chain of mountains, which forms the Sierra Nevada; from the occurrence of a greater variety of rocks constituting their mass, and the much greater area of covered by the sedimentary formations, the principle of which are sandstones, interspersed occasionally with calcareous rocks, and more rarely slates; this latter class of rocks forming but a small proportion of the sedimentary formations, of which later extensive portions of the coast line of mountains is composed.

The eastern belt of the coast range presents a repulsive aspect to the traveller as he approaches it from either hand, from its naked and barren appearance, producing but little of forest growth in any part of it, while those portions of the coast line of hills proper, are covered to a great extent with forest trees, consisting principally of the redwood, pine, and spruce, with groves of oak near their base, all of which are well adapted to the wants of the settler and usually easy of access.

This peculiarity in the two principal ridges of this chain was general for near three hundred miles of their course, the eastern ridge presenting no traces of timber except here and there an isolated patch of the pine on some one of its higher points; and for miles in extent even low shrubs are almost entirely absent.

Notwithstanding the barren aspect of the eastern belt of the coast mountains, it is not to be inferred that their slopes or valleys are unproductive, for it is found to be otherwise, being covered with a luxuriant growth of native grains and grasses, with herbaceous plants, affording extensive pasturage for flocks and herds. The lower foothills of the range, and the immediate banks of the small streams that meander through them, afford a few scattering oaks and other trees, but not sufficient in extent to furnish more than a very small local demand, to so extensive a population as the valley sections at the base of these hills must in a few years require. The oak groves found on the plains are

not adapted to any other uses than that of fencing and for fuel. The western or coast line of mountains must become the principal source of supply, in lumber for building purposes, except that which may be obtained by importation.

The coast range consists of two principal and distinct lines of ridges for a distance of nearly two hundred miles of their length; these are separated from each other by wide and long valleys that continue almost uninterrupted through their whole course, and should be considered as distinct ranges of one system both from their geographical position as relates to the mountains in which they are situated. The valleys have recieved different names, as the Santa Clara and Salinas; and these again are subdivided and recieve local names even on the same line of plain; they can be considered strictly but one valley, the linear continuity being broken by the interposition of a range of hills, not exceeding in altitude three hundred feet, and even below these figures.

This division of the Salinas from the Santa Clara is caused by a low spur putting in from the Gabilan range, in a direction nearly north-west. Across the northern part of this spur the Pajaro River, an inconsiderable stream, holds its course, discharging its waters into the Bay of Monterey. The extent and geographical position of these two valleys would seem to warrant a different arrangement than that at present existing in reference to the coast range; as they form a line as distinct and clear in the separation of the two principal ridges, as the valleys Sacramento and San Joaquin in the separation of the coast range on the west from the Sierra Nevada on the east.

The division of the coast range proposed will be bounded as follows: commencing at a point due east of Monte Diablo on the valley San Joaquin, the latter and the Tulare valley to form the east line to the intersection of both ranges with the San Bernardino Mountains, near the thirty-fifth degree north latitude, thence running west to a point that shall cut the west base of this range, and lying on the north-western border of the Salinas, thence north along the west border of the latter, and also the west border of the valley Santa Clara to the south-east terminus of the bay San Francisco, following the east coast of that bay to the point San Pablo. This range inclusive to be denominated the Monte Diablo, and all mountains to the west of these lines to be still termed the "Coast Mountains." This division in the mountains now bearing the latter name, will become the more necessary when it is understood that much difficulty now exists in localizing phenomena and transactions that have from time to time occurred, as well also as another distinctive feature which marks them, viz: their relative age, the one being of comparative recent date to the other. The term "Coast Range" implies a line of mountains following the coast only, but which, as it is used at the present time, includes a chain whose eastern base is as far removed from the coast, as the foothills of the Sierra Nevada are from Bodega Bay on a line cutting through the City of Sacramento to the ocean. This chain, it will be seen, is separated by broad and long valleys, as distinct in their characteristics as the Sacramento and San Joaquin, while their length, including the bay San Francisco, equals the latter and has nearly half its average breadth. The geological and mineral characteristics of the two ranges are equally

as marked and distinct as their geographical position and vegetable productions, while the courses which both pursue are widely variant, forming an angle of thirty-six degrees in ninety-one miles. For local convenience of description this division should be made, if for no other reason.

A division, or rather a new arrangement, is to be introduced in relation to the entire mountain chains that lie upon the west side of the continent, which will give more uniformity and a much better classification than that now existing. It is not proposed however to change local names in the arrangement, but to name those parts of the mountains, which, as yet, have received none, except "Sierras," as they are termed. Through Mr. Blake, of the U. S. R. R. Survey, I am informed that it is now proposed to term the entire chain of mountains, extending through to the northern part of Oregon, and running south into lower California, "Cordilleras or Western America," and all those portions south of the thirty-fifth parallel of north latitude, [which, as yet, have received no name,] are to be termed the "Peninsula range" in order to separate them from the coast mountains with which they are now often confounded, and again as often termed Sierra Nevada, by persons who have occasion to describe them, or any part of them.

The terms "Sierra Nevada," and "Cascade Range," will thus be retained as local names, with their boundaries the same as before. The coast mountains will comprise the entire chain lying to the west of the above, and which are found to have an age more recent than the tertiary rocks, which rest upon them, and such local changes as may be necessary will be applied, but so far only as will be required in order to elucidate any peculiar characteristics they may possess.

This arrangement is one much needed, and is founded on strictly scientific principles, and this proposition of Mr. Blake will meet the universal concurrence of the country, as it will reduce the mountain chains of the western part of the continent, to a more perfect system than they have heretofore possessed.

A more specific classification of these mountains has before been proposed by different persons, among them that of Lieut. Wilkes, who proposed the term of "California Range of the Cascades;" for the Sierra Nevada being but a continuation of the former, all of them heretofore have been objectionable on the ground that old and established names would be changed by the arrangement; notwithstanding those names conveyed erroneous impressions. No such objection can be urged against the present proposition of the gentleman above named, as it affords a convenience of arrangement not heretofore suggested or presented to the public for their consideration. With these remarks on this part of our subject, we will proceed to the examination of the chain termed the Monte Diabolo Range.

GEOLOGY OF THE MONTE DIABOLO RANGE.

This chain of mountains forms the south shore of the Straits Carquinez and part of the bay of Suissun. The rocks bordering the bay and straits

are mostly a sandstone, which belongs to a similar range occurring on the opposite shore. On the western flank of this portion of these mountains, or on the east shores of the bay San Pablo, and north part of San Francisco, a range of sharp Peaks are seen; their slopes are abrupt from the summit for a considerable way down toward their base, and in the latter part of winter and through the spring are covered with wild oats and grasses.

For several miles these mountains are made up of trapean rocks, which have forced themselves through the sedimentary rocks, and are in all respects similar to the volcanic series that has protruded through the older and also more recent formations in the Sierra Nevada. These rocks are cut through and disturbed by a suite of igneous rocks of still more recent origin, causing material change in the structure of the rocks that preceded them, both sedimentary and plutonic. Among the latter we find the pitchstone and obsidian, showing conclusively that they belong to that class known as recent volcanic rocks. These rocks may be conveniently observed in some of the lower hills about two miles east of the house of Victor Castro, in the County of Alameda. The more recent volcanic rocks form the first summit of the high ridge east of the bay, and the frequently isolated conical peaks to which they give rise, and which are known among the native inhabitants as (Picaches) stretch to the north for six miles, when they are replaced by the older trap rocks, and followed by the softer sandstones, which form the smooth rounded summits of the hills to the Bay San Pablo and Straits of Carquinez.

The sandstones on the shores present many marks of disturbance and change, by the intrusion of the late igneous rocks, and it is not unfrequent to find fine threads of quartz ramifying through them in every direction; when this is the case, or when they are in contact with the more recent of the igneous group, their former structure is usually found materially changed, a conchoidal fracture in these rocks is often the result of this contact either in large or small masses.

There are considerable areas of the sandstone in these mountains, that present little or no traces of change, subsequent to their deposition, except that of uplift; thus proving that they must have been deposited on the trap rocks after the latter had become firm, and parted with their heat: but where the sedimentary rocks are found in close proximity with the later igneous rocks the change indeed in them is clear and decisive: thus demonstrating the fact that volcanic action has occurred at a date long subsequent to the period in which these rocks were deposited, and probably after their emergence above the surface of the sea, in which they had their origin. It was found, in examining the sandstones lying upon the older trapean rocks of this part of the range, that the fine threads of quartz before noticed, gradually increased in dimensions as they approximated the inferior strata of the sedimentary rocks, and where the igneous rocks were exposed to view beneath them, in favorable situations, they often exhibited true well and defined, though small veins of quartz passing through them.

These general characteristics continue south untill a point nearly east of the town of Oakland is obtained, and here the trapean group of rocks are interrupted to a certain extent. East of this town we find the

primitive rocks occurring, and an outcrop of serpentine makes its appearance, together with some of its subordinate members, among which the Shales and some of the cherty rocks appear. These are flanked to the east with rocks of the trapean group, forming the high ridge in that direction, and are surmounted with the fossiliferous sandstones. The serpentine rocks of this district contain considerable quantities of chromic iron, but its extent is not accurately known. South of Oakland to San Antonio, the country is of the same character as that immediately preceding it. The mountains were not examined, but the creek was followed four or five miles, and its bed showed nothing to indicate a change in the structure of the country from which it has its rise, with the exception, perhaps, that the sandstone pebbles exhibited no marks of fossils.

These features were general for the entire distance to the San Leandro, being about eight miles: but after crossing this stream, the fossiliferous rocks become more fully developed and continue to gradually increase to the arroyo of the Alameda. The sedimentary rocks of this district rest on the older trap formations, with frequent small threads of quartz passing through them, but no material change of structure was observed in these at the points of contact. The sandstone of these hills is much coarser in its texture than that forming the shores of the Bay San Pablo and Straits Carquinez, and its fossils exceedingly fragile and imperfect.

Crossing the Alameda and entering the hills in which the Mission of San Jose is situated, a distance of four miles, no change in the general character of the rocks is noticeable, with the exception that the sedimentary rocks have suffered more from disintegration than at any point north of the arryo Alameda, and the contour of the country being such as to retain a large part of the detritus of these rocks, the result has been the production of a soil, throughout the hilly and rolling districts, of almost unequalled richness and fertility.

Following the west side of the Central Range we pass into the county Santa Clara, a short distance south of the Mission San Jose. The sedimentary rocks containing fossils continue to cap the summit of the ridge for the distance of twenty-five miles south of this point, all of which appear to be of the same age as those above described. South of the *Hot Springs* (a point defining the boundary between the counties Alameda and Santa Clara) the trachytes crop out in two or three localities, leaving but little room for doubt that the more recent of the volcanic rocks underlie this entire section. At the distance of sixteen miles south of the Spring, the chlorite slate flanks the west base of the ridge, and at short intervals along this distance fragments of these rocks are frequently met; on the Rancho del Palo this rock again occurs at a distance of three miles east of San Jose, here it crops out on the hills three hundred feet above the valley, and appears to have been much disturbed and broken up; immediately west of this an alluminous slate appears dipping southwest and corresponding to the inclination of the chlorites.

In the hills of this district there is considerable quantities of quartz, some of which has proved auriferous.

Traveling parallel with the ridge and south of the Pueblo San Jose, the fossiliferous rocks become less developed, and at the distance of

thirteen miles very few sandstones containing fossils were to be seen. In the arroya Caoti the first specimens of scoriaceous lava were met with, this induced a more critical examination of the mountains to the east of the valley than would otherwise have been made. The hills were entered a short distance south of Laguna Seca, and followed thence southerly for eighteen miles. Small patches of fossiliferous rocks are sparingly distributed over the route, the predominating rocks being igneous and composed principally of trachytes and lavas; from Laguna Seca an almost continuous dike of the latter extends along the western base of the ridge for a distance of near twenty miles.

As you approach the Rancho Cantine it becomes more cellular than farther north at any point where it was observed. In the vicinity of Gilroy's it has been used for milling purposes, to which it seems admirably adapted, being unequalled in hardness to the best French Buhr. I saw at Gilroy's three sets of these stones which have been in use at that place for several years in flouring wheat. These stones are capable of being split out to the diameter of four feet and the requisite thickness that may be required for the uses of the mill.

The principal rocks forming the east ridge of the Monte Diablo range, and continuing southeasterly from Gilroy's, are composed of the more recent volcanic series, and are but a part of those above alluded to. At the distance of eight miles from this town, the ridge attains an elevation near three thousand feet, and shoots up into a series of jagged, conical peaks, which maintain this character for sixteen miles south of San Felipe; the pass known as "Pacheco Pass," leading from the Valley Santa Clara to the San Joaquin, is situated among these latter hills and near their northern terminus.

Nine miles northeast from San Filipe is the well known landmark known as "Pacheco's Peak:" it is visible for a long distance from the east, west and south, but not from the north owing to the hills between having a considerable altitude and their close proximity on the principle line of travel; it is formed of trachyte and scoriaceous lavas, and is evidently the remains of an extinct volcano.

The Santa Anna mountains stretch in a south-east direction from San Felipe a distance of twelve miles, and from this point sink gradually into an uneven ridge having an altitude varying from one thousand to fifteen hundred feet, but far more rugged than its equivalent north of the Alameda Creek. The section inclusive from the vicinty of Pacheco's to the extreme southeast part of the Santa Anna mountains, has been one of the grand centres of the more recent volcanic disturbances which has imparted to the mountains their present contour; the greatest amount of local disturbance is confined within a line of distance comprising about eight miles north and south, exerting a considerable elevatory force on the sedimentary rocks of recent date to the west and south-west.

The disturbance among the latter rocks is manifested in a striking manner on the south-east portion of the "Loma Muertas," (a range of hills extending from the south-east part of the Santa Clara Valley across its upper end, dividing this from the Valley San Juan) which extends also to the fossiliferous rocks near the Mission San Juan, they all have a dip to the west, which is continuous for miles.

The Rancho Tres Pinos, eight miles south-west of Santa Anna, may

be said to be the southern terminus of the Valley Santa Clara, though south of the "Loma Muertas" it is called San Juan; at this point it narrows to a cañon and continues thus forty miles to the south-east; after passing the Tres Pinos it becomes rough and irregular, though attaining no great altitude for most of this distance, and from the appearance of the cañada beyond, obtained from an elevation of eight hundred feet, it is probably connected with the Tulare plain some forty miles south, and from its appearance the elevation must be very moderate, as no hills were visible along the axis of the cañon to obstruct the view to a horizon beyond.

The stream that courses this cañada is termed San Benito as far south as the Arroya los Muertas, and eight miles south of the Rancho Tres Pinos, after which it takes the name of San Juan; it discharges its waters into the Pajaro fourteen miles north of the Rancho Santa Anna; the latter river forming the boundary of the counties Santa Clara, Santa Cruz and Monterey.

The pass Santa Anna is situated in the Monte Diablo Range and enters these mountains from the west, two leagues south of the Tres Pinos, and from the cañada San Benito; it was extremely rocky so far as examined though attaining no great altitude, the mean of its course was fifteen degrees north of east. This cañon appears to have formed the banks of an ancient stream, and it is not improbable that the San Joaquin might have flowed through this section, and discharged its waters into the bay of Monterey; I did not pass through the entire length of the cañon and am therefore unable to form an opinion on this point that would be satisfactory in this particular. The features observed on which this supposition is founded, are that a series of outliers, or rather narrow terraces are traceable for nine or ten miles up the cañada, such as occur on streams whose beds have been drained from successive elevations from subterranean forces. These peculiar features are not uncommon in the more elevated portions of the Sierra Nevada or Coast Mountains, and in the middle and northern parts of the former they may be traced for long distances.

The Monte Diablo Range is connected with the line of mountains which separate the Tulare and Salinas Valleys; and constitute in fact but one range, having their terminus within the thirty-fourth parallel, when they are intercepted by the San Bernardino mountains, which it appears from the U. S. R. R. Survey, pursue a course nearly at right angles to the trend of the former; while the low mountains forming the east border of the Salinas from the Mission San Miguel on the south to the Pajaro River on the north, can be considered nothing but a spur of the Monte Diablo Range.

The principle part is of this spur of granitic and other primitive rocks, on which the tertiaries rest; the granite is first developed in and about the Cinega del Gabilan, this mountain being made up for the most part of these rocks; at the next highest peak twelve miles south of the above known as the Chupedero, the granite passes into a coarse sienite much disintegrated and loose on the surface; the sienite continues to the cañada Solza a distance of six miles, beyond which it was not examined for twenty miles. It is doubtful if the granite rocks extend to any considerable distance beyond this locality, as the general aspect of the country

changes materially after passing this point, and the magnesian rocks begin to be gradually developed.

The mountains were again entered fourteen miles above the canada Solza, and followed for eleven miles, the magnesian rocks were met at short intervals throughout the entire distance. Chlorite and talcose slates with beds of impure serpentine occur, containing actinolite, and in the ravines fragments of chromic iron; at one locality this mineral was found in considerable quantities. No chromic iron was found in place in any of these rocks, but the detached masses in the ravines indicate deposits to a considerable extent.

The Panoches were visible from this point and distant about seven miles, bearing per compass south-east by east, and the entire range of hills intervening leads to the belief that the same class of rocks as those above alluded to, compose the principal rock of this section. This opinion was subsequently corroborated by the results of an exploring party from the Mission San Juan, who were out in search of what had been supposed an argentiferous vein, up the cañada of that San Juan, the ore brought in by this company proved to be an excellent quality of the chromic mineral, containing considerable quantities of the emerald nickel, which is far more valuable than the mineral with which it is associated.

A line from the cañada Solza carried east to the Arroya San Juan terminates at a point four miles north of a sandstone formation lying upon the east declivity of these mountains which contains marine fossils: those that were sufficiently firm for examination were found to be of present existing species of the Pacific Coast, consisting of Mytilus and Cytherea: in one part of these tertiary sandstones some fragments of Purpura were found, which are identical with those on the Arroya Pescadero, county of Santa Clara, and the litteral sea beaches on the Straits Carquinez. This was the only deposit of sedimentary rocks found on this spur of the Monte Diablo Range, and points to a period remote, when the waters of the ocean washed those shores, and furnishes corroborative testimony of the recession of the sea from those places by uplift from volcanic agencies below the surface.

On the west flank of the Gabilan (which is the most prominent peak on this spur) a bed of primitive limestone occurs, extending from the cañada Vergeles on the north nearly to the Sierra Chapadero on the south, a distance of twelve miles; it was observed on the lower hills of this part of these mountains only, and at no elevation exceeding five hundred feet above the level of the Salinas Plains.

At one locality these rocks have been cut through by two dikes of trap, and also a heavy dike of quartz is found on its eastern edge, which runs parallel with the course of the calcareous rocks: the quartz has cut both the granite and limestone, and *thrown* both to the west, it is heavily charged with iron, and contains in addition the blue and green carbonate of copper with a little gold. The limestone passes under the Salinas Valley and has a considerable inclination in contact with the intrusive veins above noted: it contains silver and lead (*Argentiferous Galena*) in small veins in several places. As the calcareous formation does not show itself on the opposite side of the valley, opposite this locality, the presumption is that it underlies the plain at a considerable depth, and should

it carry those veins throughout which is found upon its surface it is not improbable that valuable deposits of ores may be found within it.

SALINAS VALLEY.

This extensive plain will follow as next in order, in the description of its general features, previous to the consideration of the Coast Mountains.

The valley is about ninety miles in length, and has a varying breadth from eight to fourteen miles; it is situated between the Coast Mountains and those denominated the Monte Diablo Range, and is bounded on the east by that spur of this range in which the Gabilan is situated.

The Salinas River flows through this plain from the Cadesal Pass in which it has its rise, to the bay of Monterey. The stream for fifty miles of its course follows the western margin of the valley, and crosses the plain for the first time eight miles south-east of the Mission Solidad, after which it becomes more irregular. Three observations were taken at different points, by which it was estimated that the river had a fall of eighteen inches in one and three-fourths of a mile for seventy miles of its course. The bed of the stream is composed of a loose micaceous sand, derived from the granite rocks to the east, and also from the tertiary rocks on its western border, the latter, however, do not enter largely into its composition.

The plain of the Salinas consists of three terraces running through nearly its entire length, thus making three different positions which the river has occupied since the formation of the valley, and its recession from the eastern to its western border where it at present holds its course. These terraces are very regular in their general outline, and impart to the mind an idea that the plain has a uniform grade for its entire breadth, when the point viewed is one or two miles distant. Commencing on the western side of the valley, the lower terrace is found to occupy a breadth of about four miles, and is composed of a rich alluvium; at this point the second terrace rises abruptly to the height of eleven feet, its average width being nearly that of the former; this is also composed of a similar soil as the first, though not in so fine a state of disintegration, or containing so large an amount of vegetable mould. Both terraces support a dense growth of indigenous grasses and plants, thus furnishing an abundant supply of pasturage for stock of all kinds.

The third and upper terrace rises nearly as abrupt as the second, and has a varying breadth from one to six miles, it is more irregular upon its surface than the two former, and attains a higher grading as it approaches the hills to the east; the irregularities of the surface are not sufficient to produce any sensible effect in destroying that uniformity which a view of four miles will give on any part of the plain, and would not be noticeable except in passing over it.

South of the Alisal Ranch, and situated on this upper terrace, are a series of little elevations that continue at intervals of half a mile or a mile through a distance of twenty-seven miles, on the eastern side of the valley. They are symmetrical in form and rise on every side to heights varying from six to ten feet above the level on which they stand; their surface is smooth and even, covering an area from fifty to one

hundred yards square. They appear to be composed of the valley and neither rocks or small stones were to be found on any part of them. The first impression received by the traveler on coming up to them, is that they were the work of art, perhaps thrown up by the aborigines to secure themselves from inundation: but when we consider their extent and number, it will be found rather inconsistent with the habits of these people to erect works of this extent: there are no traditions among the Indians of this part of the country respecting the origin of these singularly formed hills.

The causes of their production must remain a secret which future time alone, and the art of man, will eventually unravel. Their irregular dispersion and general uniformity of character indicates an origin from natural causes than otherwise, though it must be confessed that the agents that are active in producing them are not very apparent.

The upper terrace or "Mesa" of the Salinas, exhibits more distinctly the sources from which the superficial covering of the plain has been derived; the soil is harsh and gravelly, and retains moisture but a short time after the rains cease; it much resembles the soils derived from the granitic rocks of some parts of the mining counties: but notwithstanding the sterile features of this "Mesa," it produces the wild oat in sufficient abundance to furnish extensive grazing land, and in the "Encinals" the natural crop is heavy.

The slopes of the hills on the eastern side produce the same grain, but here it is frequently replaced by the indigenious grasses: these latter do not become so general until after passing above the limestone range, and these rocks seem to favor in an eminent degree the growth of the cereal to that of the grasses in this section and south beyond the Chupedero: beyond this the grasses form the principle covering of the hills on the east side of the plain to the southern extremity of the range.

The Salinas has an inclination of eight degrees in twelve miles transversely to its course. The line was projected from the Chupedero and carried through the Carmel Mountains to the sea, and connected with another line which was carried through the Monte Diablo Range and cañada San Juan at a distance of two miles south of Los Muertas, thereby obtaining a sectional profile from the western edge of the San Joaquin to the ocean.

The section thus formed will give the following series, and the order in which they occur. First, alluvium of the San Joaquin, tertiary sandstone containing no fossils, and resting on trachytes; 1200 feet on east ridge, the trap rocks are found, same altitude on west ridge, porous and compact lavas, on the west slope 400 feet above the level of the Arroya San Juan, mountain limestone. Valley half a mile in breadth flanked by calcareous rocks, resting on granite, 1600 feet through to the Chupedero granitic and trapean rocks, 400 feet above Salinas Valley crystatine limestone, valley twelve miles in breadth, ascend one high plateau of sixty-four feet of gravelly alluvium, thence over a high ridge trapean rocks, which are followed by coarse granitic rocks to the sea. The highest ridge is the granitic mountains toward the ocean, and the highest point crossed 2900 feet.

FROM POINT PINOS TO THE NACISMIENTO RIVER.

The Coast Mountains extending from Point Pinos, Monterey, to the northern line of Luis Obispo are mostly primitive; the character of the rocks which form the principle basis of these mountains are best observed about Point Pinos and the town of Monterey; they are composed of a coarse-grained but apparently firm granite, having a bluish grey color where the solid masses have been recently fractured. In some places this granite contains imbedded translucent crystals of felspar, (Adularia) in others it is close grained, and contains but little mica, its disintegration forming a fine white sand but little discolored by iron, and from its brilliancy below the surface of the ocean, produces a most pleasing effect on its waters at considerable distance from the shore. The light-house at Point Pinos is constructed of this rock, and from the appearance of the stone when properly dressed, it is highly probable that if the ledges were properly opened, a good material for building purposes may be obtained and in sufficient quantities to supply all the local demands of this country.

The granite shows itself as an underlying rock for four miles into the interior, from the coast, where it becomes covered with the debris of the sedementary rocks resting upon it and alluvium, but there is but little difficulty in tracing its course for forty-five miles easterly of Monterey; it becomes more largely developed after crossing the Carmello and entering the mountains on its southern side.

The trend of the Coast Mountains south of Monterey for fifty miles is south 50 degrees east, while the strike of the granite rocks is at an angle of nearly 18 degrees to the line of trend, or in other words cutting the course of the ridge at an angle of eighteen degrees. The granite rocks at Point Pinos are of the same series as those occurring in the vicinity of the Rancho Piojo, and south of the Estella, thirty miles distant from the latter in a southerly direction; the texture of these rocks in these southern localities is more compact than in the vicinity of Monterey, and in some cases are hornblendic in their character. On the east the granite is flanked by an extensive group of the Serpentine formations, which continue south as far as the Mission San Antonio; they constitute the principle part of a ridge running parallel with the granite, and situated between the latter and the Salinas Valley. The country over which the magnesian rocks predominate is easily distinguished from that in which granitic or trapean group is found, by the vegetation incident to both—the serpentine hills being generally destitute of the larger forest trees, and covered with a thick "Chamisal" and stunted varieties of the oak; this peculiarity of these hills is very striking, and cannot fail to arrest the attention of the traveler, either among the Coast Mountains or Sierra Nevada, in passing over them. The talcose and chlorits slates of these mountains were found to be auriferous in several localities, and mining to a considerable extent was conducted in some parts of these mountains during the past summer.

The magnesian rocks cross the Nacismiento River fourteen miles above its junction with the Salinas; on the banks of this stream they appear in the form of massive Serpentine, but assume a schistose structure three

miles beyond to the south, and at the distance of six miles the chlorite slates abound. These mountains were not followed beyond this point to the south, but it became evident that the trapean rocks prevailed at the distance of ten or twelve miles farther on, the sharp outline of the higher hills corresponding with those of a similar character observed in other localities.

To the south-east and south-west the mountains were less rugged in their appearance, a considerable extent of a white micaceous granite was found, on which detached masses of sandstone were met with, containing marine shells, also a conglomerate apparently of the same age. The fossiliferous rocks were much disintegrated, and their fossils very imperfect; the species observed were Pectinea and Terredina, and evidently were of the same age as those in the immediate vicinity of Monte Diablo; all the other shells were so imperfect that nothing reliable was to be obtained from their examination, being merely fragmentary in their character.

To return again to the northern part of this range of mountains, and in the vicinity of Monterey, we shall find that the fossiliferous sandstones of this district do not compare in any degree with those above noticed, but, to the contrary, all of the marine fossils of the northern part of the range are found to differ in their character and relative age. On the Carmello this interesting fact may be conveniently observed: the fossils are found in an argilaceous sandstone, about nine feet in thickness, and rests alike on both serpentine and granitic, and has a dip of seven degrees west. It is found at intervals through eleven miles of distance on a course east southeast, and for a breadth of about four miles; this formation, which must be regarded as the *Post Pliocene* of this country contains imbeded fossils of the genus cancer, with casts of Cytherea, mactra and tellina, all of living species in the adjoining Bay and Bay of Monterey.

From the delicacy of the preservation of these small animals, and the character of the rock in which they are imbeded, it appears evident that it must have been deposited in still water, and was probably an estero into which the tide ebbed and flowed regularly, with sufficient protection to break the violence of the surf upon the coast. After its deposition it had been gradually elevated above the surface of the waters, and subsequently tilted from its horizontal position by the intrusion of igneous rocks in its vicinity.

The cause of its disturbance and inclination is found in the intrusion of a trapean dike which has cut through the granite and clay state, which latter passes into a micaceous schist, and near the contact of the igneous intrusion small but imperfect garnets are found imbeded. The fossiliferous rocks are regularly stratified, and cleave easily in one direction; they are much twisted and contorted nearest the points at which the trapean mass broke through, but become much less curved as the distance increases from that centre. A clay of fine texture and creamy color is found resting on the argilaceous sandstone, and covers a large extent of country stretching to the east of Monterey as far as the Toro Hills; this clay is composed almost exclusively of *infusoria*, apparently of marine origin; five distinct species have been observed, four of which are discoid. It is probable that they have been described either by Professor Bayley, of West Point, or Ehrenberg, as both these gentlemen have had

opportunities for the examination of the infusorial formations of this State—and until access may be had to their descriptions, it will be impossible to determine this fact. Specimens have been secured for the State collection, and will be described at the earliest opportunity.

My route next followed a northeast direction across the Toro Hills and Cañada; the first range of high hills on the north side of the Carmello, and which divide the Toro from the Carmel valley, have an altitude of about seven hundred feet; they are composed of a coarse sandstone, containing a few indistinct impressions of shells of marine species; an out-crop of trap was observed among the latter rocks, flanked by granite of the same specific character as that found at Point Pinos, and may be seen four miles southwest of the Toro Ranch. On the south side of the valley an extensive bed of calcareous travertine occurs, and also a brecia of the same character, they cover about one mile of area; no limestone rocks were found *in situ* in this vicinity; the travertine here observed, evidently had its origin from springs highly charged with calcareous matter, and which were undoubtedly formed in the limestone described on the east side of the Salinas valley, and which dip under the same as described in the preceding pages. From the intrusion of the more recent volcanic rocks in the immediate vicinity of those springs, it is probable they were diverted into another channel, and thus ceased to flow in places in which the calcareous tula is now found. Similar springs now exist a short distance from Santa Cruz, around which the calcareous deposits are very extensive.

Crossing the Toro Valley or Cañada, and following the course of the bay of Monterey, there is little else to be seen than the tertiary rocks for fifty miles, and extending easterly in elevated plateaus and hills for eighteen miles from the coast; among the Chamisal hills frequent intrusions of trapean rocks are met, and in nearly every case where this occurs the granite is also seen broken through by the same igneous intrusions. The sandstone is generally of a buff colour, and yellow-brown, having a greater or less abundance of fossils, in some instances, firm and compact, and again loose and friable; it is almost continuous in a northwest direction, being broken through only by small streams, and is found north of the mission of Santa Cruz, from whence it gradually narrows out, being found immediately on the coast at the base of the mountains.

Beyond this point the principal rocks on the coast are primitive and volcanic, forming sharp, high hills and low mountains with a bold coast line.

SANTA CRUZ MOUNTAINS.

These mountains approach the coast a short distance northwest of the Mission and town of Santa Cruz. They extend from the head of the Santa Clara Valley and Pajaro river to Mount Bruno and Presidio Point west of the city of San Francisco; they are separated from the mountain forming the coast line to the northern terminus of the State, by the Golden Gate or entrance to the bay of San Francisco. The greatest altitude attained in these mountains, is the Black Hill, (Loma Prieto or

Umhumin,) the latter being the original Indian name applied to this hill.

The entire range is composed, principally of the primitive rocks, among which the serpentine formations play an important part: this suite was traced from near the Rancho La Brae on both flanks of the mountains, to the Francisquito on the east side, and Anno Nuevo on the west, and belong to the same series as those occuring at Point Lobos and the Presidio. In several instances throughout the range, the trapean rocks have broken through, as detailed of the mountains south of Monterey.

On the west flank of these mountains, and in the central and northern parts of the County of Santa Cruz, there are views of quartz cutting through the serpentine and other rocks in other places; and is particularly observable on the upper portions of the arroyas Sogell, Svant, and Rio San Augustine. The general rule heretofore laid down respecting the contact of these two groups of rocks in this country is found good in the present case. "That when the two series are found in contact, either as dikes of great length, or smaller views, one, or both is *always* auriferous." And such has proved to be the fact in the case before us; from all appearances the quartz has been one of the most recent disturbing agents here, as well as elsewhere.

The mineral characteristics of these mountains will be noticed more in detail when speaking of that subject hereafter.

The south-east spur of these mountains terminates at the Pajaro River, thirty-six miles east of Santa Cruz, and fourteen from Watsonville. On the southern extremity are found extensive beds of fossils finely preserved. The arroyo Pescadero and la Brae cut their way through these hills, and their beds abound with boulders containing these organic remains. The fossil sandstone at this point rests on the Serpentine and trapean intrusions, being changed in its texture near the points of contact with the latter rocks. On these streams are to be found several bituminous springs, which discharge large quantities of the fluid bitumen, at times covering several acres of ground. The occurrence of these springs has led to the belief that bituminous coal existed in this section, such, I think, is not the fact in the present case, though it might be a tenable supposition in parts of the world where coal measures exist, or where any of the superior groups of the secondary rocks may be found.

The position of these springs, geologically considered, would render it impossible for coal to abound, as they make their appearance among a mass of rocks having an igneous origin, where not even a lignite is likely to exist. There is but a possibility that the tertiary rocks in the vicinity may overlie some members of the secondary group, from which these springs have their origin, but no outcrop or other indications are to be found which will warrant such a conclusion. There is every evidence that the tertiaries above rest on the primitive and volcanic rocks with no intermediate series between them. The origin of bituminous springs is but little understood; in the present state of our knowledge they are found to arise from the newer as well as the older formations, and alone are not reliable evidences of the existence of coal, except when found among the carbouiferous rocks.

Following the east flank of the Santa Cruz mountains, we find small patches of the tertiary sandstones among the lower portions of the hills,

from La Brae to the Llagos Creek; after which they are not again seen for several miles. Near the last named creek, the more recent volcanic rocks make their appearance and continue, at short intervals, for sixteen miles, when we again pass into the primitive formations, which become more metaliferous and particularly in the region about New Almaden in the county of Santa Clara.

North of Almaden, and near the Los Gatos Creek, a bed of recent conglomerate, loose and friable in texture, is found occupying an elevation of four hundred feet above the level of the valley, and having a thickness of about seventy feet, it occurs on both sides of the Los Gatos, and is found, at short intervals, for ten miles, crossing Camels Creek and following its banks for two or three miles; it has been considerably disturbed and large masses have been thrown down. West of McCartyville the mountain limestone occurs in large masses and is continuous for several miles to the west, north and north-west. Extensive operations are now conducted in the manufacture of lime for the market, for which purpose it is admirably adapted. This group of calcareous rocks cannot be less than thirty miles in length from east to west, and has a strike transverse to the line of the mountain range, appearing on the coast at Santa Cruz, at this point it is highly crystaline. These rocks extend north of Camel's Creek about four miles; and a calcareous rock of an amorphous character is found as far north as Sanchez Ranch, in the County of San Francisco. The west flank of the mountains, lying between the San Mateo and a point nearly west of Mission Dolores, was not examined personally, but from the specimens of rocks from that section, which I have seen, their geological characters appear identical with the rocks at the Presidio, which are mostly serpentine.

On Presidio point are to be found beds of a Jaspery rock having a riband-like appearance, and colors from a greenish hue through red-brown to red and yellow; this rock has been considered by Mr. Dana as a variety of the Prasoid rocks, and as he says—"the graduation of prase into jaspery rocks exhibits a close relation of both." These transitions were met with in other parts of the country over which he had travelled. In relation to this subject he further says—"From the transitions that occur, it also appears that the jasper and prase rocks are closely connected with the talcose series, and that the translucent jasper and bloodstones of this section are only different varieties of its condition." The jaspery rocks of San Francisco are worthy of description; the green, red and yellow varieties occur in the same vicinity, they form a series of layers averaging two inches in thickness, and varying from half an inch to four inches; the layers are distinct and separted by open seams, and on the front of bluffs or ledges the rock has a riband-like appearance, the layers coalesce and sub-divide without regularity though uniformly parallel, they are often twisted, and thus change at short intervals from a vertical position to a dip of twenty degrees."

The colors red and yellow are often mingled and sometimes appear as parallel bands; in some instances, the surface is red while the rock is yellow beneath, this may have resulted from the burning of a tree on the spot, for by heat the yellow varieties readily change to red; a small specimen had an agate-like structure as though formed from an aqueous solution.

An impure talcose rock occurs at Point Lobos, which extends east for one and a half miles. The works of the "Mountain Lake Water Company" have been carried through a portion of these rocks, and the masses of serpentine that have been elevated to the surface from the depth of one hundred and sixty feet have exhibited an interesting feature in the history of these rocks. It was found, on examination, that the strong odor given off from these stones was composed of free Bromine and Iodine; it is very persistent, and specimens which have been exposed to the air for nearly three months have not lost their odor.

From the Presidio on the bluffs near the bay, slates and sandstones are found in a much disturbed condition from intrusions of trap; the strata are much contorted and twisted, and tilted in every direction, the inclination varying from five degrees to verticality in very short distances. These rocks, as yet, have presented no fossils in the immediate vicinity of the city, but pass into tertiary sandstone, containing organine remains one mile west of Montgomery Street, San Francisco, where they may be found forming the west point of the North Beach.

South of the city and near Rincon Point, the trachytes appear with small veins of quartz running through them and the adjoining slates; the latter having suffered considerable change in structure near the point of contact with the igneous rocks. Traces of carbonate of copper are observable in this vicinity.

Crossing the Bay of San Francisco from Presidio Point, the rocks on the Saucelito side correspond with the primitive formations above described. The serpentine series continue for several miles up the bay, varying in its mineral characters at short distances. At San Quentin the rocks are schistose, and half a mile beyond, again passes into a massive form, and contains actinolite in fan-like groups of crystals: a mile beyond this, the rock becomes hornblendic, and thence gradually passes into a trap formation, containing well defined crystals of the latter mineral.

On reaching the northern shores of the Bay San Pablo the hills to the north appeared rugged and conical, indicating a preponderance of the volcanic rocks.

The route traveled next, lay through the Counties of Solano and Napa. It has been before remarked that the sand-stone on one side of the Straits Carquinez was identical with that on the other, and the line of dip in both will be found to correspond. These rocks are permeated by minute threads of quartz, and contain considerable quantities of magnetic sand; in some cases the quartz viens acquire a thickness of one or two inches, and have in several instances been found to contain gold, while the sand-stone itself possesses this character in a limited degree; it is contained mechanically in these latter rocks, and in general will be found as a local deposit only. Small quantities of this metal have been found in the stone used for building in San Francisco, which were taken from the quarries in the vicinity of Benecia. It is doubtful whether these rocks would ever warrant mining explorations, except in those locations where the quartz has intruded to a considerable extent. In this case they would prove of sufficient value probably, for mining in the rocks below the sand-stone, and would be governed by the same

natural laws that are found to prevail in other parts of the country in relation to auriferous veins.

These sand-stones are found to extend into the interior in a northwest direction, a distance of about eight miles, when they are succeeded by volcanic rocks of recent date for thirty miles in the same direction; the points of contact in the igneous and sedimentary rocks exhibit distinct and striking marks of change in structure among the latter in many places, and it is not uncommon to find trachytic injections into the sand-stone along the line of coast on the bay and straits.

Where these veins are large, the sandstone in contact is often nearly as hard as the trepan rock itself, a true conchodial fracture, having quite sharp or roughened edges, with a semi-earthy surface, is the result of this metamorphosis. Above this sandstone and resting directly upon it, is a littoral sea-beach, having an elevation of about thirty feet above high tides, and extending for several miles along the coast of the bay. It is composed of fragmentary and entire shells, mixed with a little sand and clay; its thickness varies from one to three feet. Its position is immediately below the alluvium.

It forms a distant white line along the bay coast of San Pablo on its north side for eight miles, and may be seen at the town of Benicia in the vicinity of the sandstone quarries at that place. The shells of which this beach is composed consist of a small species of ostrea, purpura, and other small shells now inhabiting these waters. The elevation of this beach points to a period comparatively recent, when subterranean forces were in operation in elevating the lands adjoining the coasts and bays, which part of our subject will be considered more in detail when reviewing the geological changes which have occurred in the different portions of the coast-line followed.

Among the sandstones of this region is a bed of limestone having an average thickness of two feet; it is found one mile north of the town. This limestone was traced in a northeast direction for two miles, and is probably the same range as observed by Mr. Tyson on the east side of the hills on Suisun Bay.

The foot of the ridge lying between Suisun and Napa Valleys, was followed for twenty miles. At this distance from the bays it attains an altitude of about twelve hundred feet. The rocks composing this ridge are mostly volcanic, with sandstone on their eastern flanks dipping east towards the Sacramento Valley; a few very imperfect casts of marine shells were observed, but none sufficiently perfect for preservation.

The ridge on the west border of Napa Valley presents much the same characteristics as those on the east. These two ridges unite about eighteen miles north of Napa City, at which place they become extremely rugged and elevated.

The highest and most conspicuous peak in this range is Mount Helen; its sharply defined outline and truncated summit shows most conclusively its volcanic origin. A section cutting Napa Valley nine miles south of the town was made, and carried across the Sacramento Valley to the foot-hills on its eastern side, by which the grade of both valleys and the altitude of the hills were obtained.

Before reviewing the geological changes that have occurred in the Sierra Nevada, Monte Diablo and Coast Mountains, a view of that part

of the great basin separating the Coast Mountains from the Sierras will be given; and in speaking of the Sacramento Valley, that of the San Joaquin will also be included, and the physical characters of both briefly explained.

STRUCTURE OF THE VALLEYS OF SACRAMENTO AND SAN JOAQUIN.

These valleys form a "single geographical formation,"* stretching from the terminal spurs of the Cascade Mountains at the north, to the junction of the Sierra Nevada with the southern terminus of the Monte Diablo range with the thirty-fourth parallel of north latitude. The length of the valley is about three hundred and eighty miles in length on an air line, with a breadth of fifty miles at its widest point.

The general appearance of the valley is that of an extended plain composed of alluvium, and this opinion would obtain in the mind of any person whose line of travel should lead him over the lower terraces of the plain, or what is denominated its bottom lands. It is only by making a transverse section of this plain that we should be able to arrive at any correct conclusions of its structure, and peculiarities of its formation: by pursuing this course, very distinctive and marked features are observable of different periods of elevation to which this portion of the country has been subjected subsequent to its emergence above the level of the sea.

To arrive at a correct understanding of the formation of the "California Basin,"† we must first observe the rocks which form its borders, their character, position and relative age; and in doing this it will be necessary to pass beyond either of its margins to ascertain the facts on which an opinion may be founded.

On the east side of the basin and at the distance of fourteen miles from its border, we find the first out-crop of the primitive rocks, (granite) on hills attaining an elevation of about one thousand feet above the sea. Resting upon this, we find detached masses of sand-stone, which increase to a well defined formation a few miles to the west: immediately below the latter a bed of slate makes its appearance, having a dip varying from thirty degrees to nearly a vertical position, but as the lower hills are approached, the inclination of these rocks become much less. Below the slate, a conglomerate having an argelaceous cement is found, firm in its texture, with a dip corresponding to the other rocks with which it is associated; the pebbles composing the conglomerate are quartz, jasper, granite and trap; at times this rock is highly ferruginous. The components of the rock are made up from rocks found in the mountains to the east, and must have been formed subsequent to the appearance of the older trapean formations of this part of the country.

Succeeding the conglomerate,‡ which by way of distinction, we will denominate *Eocene*, another bed of fissile clay slate and aluminous clay

* Col. J. C. Fremont.

† Being similar to the London and Paris Basins, this name will be adopted.

‡ This suite of rocks are often confounded with another group, of the same character which appear of more recent date, and are found south of Consumnes river only

occurs, having a thickness of about one hundred feet; these rocks comport in position with the other sedimentary rocks above them, and are found resting directly on the granite, and other igneous rocks far into the interior; in the lower hills their structure is fissile, cleaving with ease over considerable surfaces, while in the eastern parts of the mountains they have often acquired a crystaline structure from contact with other and more recent volcanic rocks, and such as have broken through and disturbed the primitive formation.

On the western side of the valley or basin, the series do not follow in precisely the same order as occurs on the east; the sandstone and slate of the same age is found, but the conglomerate is wanting; if it exists, it is completely obscured from view, except on the west slope of the coast mountains towards the sea, and its occurrence there is a reason for the supposition that it does exist below the other stratified rocks on their eastern slope. Above all the others, the miocene rocks are found disturbed and cut through by the recent volcanic intrusions of that period.

The following then will be the arrangement of the rocks from below upward:

EAST OF THE SACRAMENTO RIVER.		WEST OF THE SACRAMENTO RIVER.	
Primary Rocks.	*Granite.*	*Primary Rocks.*	*Granite.*
	Slates.		Slates.
	Conglomerate.	Uncertain.	Conglomerate.
Sedimentary.	Slates.	*Sedimentary.*	Sandstone, Eocene.
	Sandstone.		*Sandstone Miocene.*
		Recent volcanic cuting the latter.	

With this arrangement of the stratified rocks which pass under the California Basin, it is obvious, that the waters flowing at the line of junction between the sandstone and the slate-rocks below them, muss pass under the sides and central parts of the valley, varying in depth at the distance from either of its borders increases.

It must be remembered that the dip of the sedimentary rocks on which the alluvium of the valley reposes, will increase or diminish the distance that may be necessary to bore for obtaining water, as the inclination of these rocks is greater or less; and with the view to demonstrate if possible, (or at least approximately) the depth that it might be necessary to sink in order to obtain a plentiful supply of water for agriculture or other purposes, an examination of both borders of the basin was made of fifty miles in length, and the mean of all the dips taken.

It was found by measurement that the surface of the basin rises at the average rate of six feet per mile from the river to either of its borders. Taking the grade of the surface with the lowest average dip of the rocks where they pass under it, (being equal to twelve degrees,) and assuming that the sedimentary rocks decrease in inclination, as the distance increases, which is probably the case, it will be found necessary to

reach the depth of 775 feet at the City of Sacramento, in order to obtain a permanent supply of water.

This presumption is based upon the fact that a constant source does not exist above the conglomerate, and this point is selected more for the purpose of exhibiting the greatest probable depth at which a permanent supply of water would be found; the probabilities of obtaining water at much less depths is strong, and amounts to almost a certainty, that water would be found immediately below the sandstone, and above the first slates: in that case the depth would be diminished about two hundred and fifty feet.

If a correct idea of the inclination of the sedimentary rocks is presented in the diagram, we shall have the following depths at different distances from the centre of the basin, on both sides.

ON THE WEST SIDE OF THE RIVER.			ON THE EAST SIDE OF THE RIVER.		
11 miles,	700	feet.	Sacramento City,	775	feet.
15 "	650	"	12 miles,	700	"
22 "	550	"	17 "	650	"
			20 "	625	"

At the distance of twenty miles the rolling hills are entered in which springs usually abound.

The rocks on both sides of the valley are arranged in the order in which they occur, as observed by the outcrop.

Sandstone,		Sandstones and upper Slates,
EOCENE,		
Slates,		Conglomerate, EOCENE.
Fosil Sandstone,		Lower clay Slates.
Trap,		
Granite,		Granite.

These rocks included within the Eocene lines are classed by Mr. Dana, as the early sandstone, slates, and conglomerates, to distinguish them from the more recent tertiaries among the Coast Mountains.

The geological structure of this basin was noticed by Mr. Tyson in 1849. He examined it with a view to ascertain whether a deposit of coal might not exist below the surface; and also whether its structure would indicate the means of supplying water for agricultural and mechanical purposes.

In regard to the first question he says: "The first query is answered by the fact of finding the comparatively recent strata of a formation, not older than the eocene and miocene periods, resting immediately on the metamorphic or hypogene rocks of ancient origin, the remaining members with all the sedimentary rocks of older date being entirely wanting, and the the coal formation, which belongs to the lower of the secondary series." A coal formation under the basin is therefore out of the

question, unless deeply seated, and entirely covered, edges and all, by the sedimentary rocks above noticed.

The character of the soil in many parts of this valley will render it of little importance as an agricultural district, unless water in ample quantities for irrigation can be obtained. (These remarks apply particularly to the upper terrace of the valley on each side of the river.) And we hope that attention may be called to this very important subject of making the extensive areas of the arid districts of the basin available for market and agricultural purposes."

Experience has demonstrated the almost certainty of obtaining water and in sufficient quantities for agricultural and other purposes, in all valleys resting upon sedimentary formations and having a basin-shaped structure, and where the different beds have a degree of uniformity or regularity in their position, and are of a texture that will admit the free percolation of water through the superior beds and sufficiently firm to prevent its escape in those below.

These conditions are all fulfilled in the basin of the Sacramento, and from the united testimony of different observers, we have ample evidence that the sedimentary formations of one side are the same as those upon the other, with the exception, perhaps, of the conglomerate.

The absence of the conglomerate on the west side of the basin, will not affect the result of obtaining water by the means proposed. The clays and clay-slate, below the sandstone, appear on both sides and are sufficiently impervious and firm to prevent the escape of any water that may rest upon them.*

REVIEW OF THE GEOLOGICAL CHANGES IN THE COAST MOUNTAINS AND MONTE DIABLO RANGE.

Having briefly detailed the more general characteristics of the geology of the above mountains, it will become necessary to review in a measure the geological changes that have been instrumental in producing the peculiar features noticed in the preceeding pages; in doing this the same lines will be followed as in the outset.

Starting from the Straits of Carquinez, it has been stated that the rocks forming the borders of those Straits and part of the adjoining bays, were composed of a recent sandstone; in following up these in a southerly direction for a few miles, we find the sedimentary rocks thining out, and are succeeded by high hills and low mountains of volcanic rocks, composed of trochytes and other intrusive rocks of recent date. These are followed by the primitive rocks, composed of the older trap, and in the vicinity of Oakland, consist in a great measure of serpentine.

The latter rocks form the western side of this part of the Mon..

*Since October last, there have been three Artesian borings, carried to depths within one hundred feet, on the valley of Santa Clara, and in the vicinity of San Jose. The result of each has been successful, and a head of water from four to nine feet has been obtained. These indications of water so near the surface and in such quantities, will much enhance the value of agricultural land throughout this valley and render available much that would otherwise have laid unocupied and unimproved for years.

Diablo Range for thirty-five miles, where a district of the recent volcanic rocks is again entered, which continue to the head of the Cañada San Benito and San Juan, for a distance of about eighty miles.

Returning on the Gabilan spur of these mountains, and which form the eastern boundary of the Salinas Plains, the primitive rocks are met with for twenty-eight miles, flanked on the east by the recent igneous rocks of the same age as those appearing at the Santa Anna peaks, twelve miles to the east; (during one of the convulsions that agitated this part of the country, about four hundred feet of the Gabilan Peak, on its northeast side, was fractured and thrown down into a deep ravine at its base,) intrusive dikes have had the effect to change the sedimentary rocks when found in contact with the same.

In the Coast Mountains to the west, the granite and serpentine series are predominant, and on these rest the sedimentary rocks, of early and recent date, unchanged generally, except in local position.

Crossing the Pajaro Valley and entering the Santa Cruz Mountains, the main ridge is composed of the granite and serpentine rocks on which rest the fossiliferous formations as those above mentioned. The primitive series extend north into the County of San Francisco, but unlike the formations in the County of Santa Cruz; no tertiaries, containing fossils, are to be found, except in the sandstone forming the point to the west of the North Beach, and here the Pholas and some other shells of present existing species are found. South of the city the trachytes have intruded through the slates, producing considerable disturbance both by uplift and change of structure in the latter; on the north side of the city, similar features are to be seen, but on a more extensive scale; among the deep excavations which have been made about Clark's Point, it is found that the stratified rocks have been tilted from the horizontal position, and in some cases twisted and contorted into every conceivable position; at one time presenting a wave-like form, and in the distance of a few yards, passing from this to high angles or verticality.

Northwest of the Telegraph Hill the active causes of this diversity in the appearance of the rocks is seen. Nearly on a line with Dupont street, and fronting the bay, is a dike of the trap rock, passing up through the sedimentary rocks above. A change of structure in the sandstone in contact with the dike is observed.

This class of rocks (the volcanic) occur at frequent intervals along the bay coast on the west side, and thence into the valley of the Santa Clara. At the distance of four miles south of San Jose they form the low hills that protrude into this valley from the w[illegible]ern side, and which are continued at intervals to the arroga Llagos, a distance of thirty miles beyond.

In none of the lower hills on this side of the valley are the volcanic rocks found in contact with the sedimentary formations, until after passing the above arroya, and then only after first breaking through fissures in the primitive rocks after reaching the Pescadero.

The intrusion of these rocks among the primitive series is marked by a discoloration of the rock through which the dike has passed, sometimes of several inches in breadth on each side of the volcanic vein; this is more particularly observable where the disturbed rock is of the granite class: in that case it usually presents a brown, or reddish brown color, and is decidedly more given to decomposition than at a short dis-

tance from the intrusive material. The slates and sandstones when thus acted upon assume either a sub-crystaline or completely metamorphosed structure, and comport themselves in this particular much in the same manner as similar formations on the west slope of the Sierra Nevada.

The area covered by the metamorphic rocks in the Coast Mountains is not as extensive as those of the mining sections, but the changes, when they do occur, are equally as perfect and complete. The most extensive change of this character noticed among these mountains was that on the Alameda Creek in Sunol Valley, eight miles north-east of the Mission San Jose, and again after crossing this valley on the road to Livermore's. The slates on the creek were changed into a hard, compact rock, for the distance of one mile, and three-fourths of a mile beyond they had assumed a porphyritic character.

Following this series to the right of the road, among the hills which divide Sunol's from Livermore's Valley, the greenstone-trap became largely developed, with basaltic fragments among the drift of the arroyas. On the east side of Livermore's valley the fossiliferous rocks again made their appearance, and continued south for eight miles, beyond which to the south the mountains were not examined.

The classification of the rocks in these mountains according to their relative ages will follow as next in order.

CLASSIFICATION OF THE ROCKS OF THE COAST MOUNTAINS AND MONTE DIABLO RANGE.

Our most northern point in this case will be Bodega Head and a line forty-three miles north of Napa City, and in this case shall avail myself of that part of Mr. Tyson's report on this part of the country, and which is contained in Senate Doc. No 47, 1st Sess. 31st Cong., this being the most northern geological section yet made.

By reference to his section, we find that the primitive rocks occur as far north in the Coast Mountains as the above locality named, and that the rocks of sedimentary origin are found to rest directly on the primitive rocks for a considerable distance east from the coast line.

After reaching eight or nine miles from the coast, the recent volcanic group succeeds the primitive, when the latter is again replaced in the hills bordering the western edge of the basin; from this view of the case it appears that all the rocks of this section are similar in their positions with those detailed farther south.

Commencing with the lowest in order we find:

First.—The granite series and serpentines; on these rest the older sedimentary rocks.

Second.—The more recent volcanic rocks. These are more largely distributed through the Monte Diablo Range. They consist of trachytes and lavas, and have protruded through all other formations that preceded them. These rocks form at least three-fourths of the mountain range extending from Point San Pablo to the head of the Cañada San Juan,

beyond which the primitive rocks again occur, and continue to the extreme southern point visited.

THIRD.—THE TERTIARIES. These complete the formations found in these mountains. For convenience of description, this class will be sub-divided into the different periods to which they belong. They will occur as follows:

PERIOD.	GROUP.	WHERE FOUND.
Eocene.	Middle.	Calaveras County, at Murphy's, and other localities. Bones of extinct animals, &c.
Miocene.		North and south of San Francisco in the Coast and Monte Diablo Mountains. Consisting of marine shells with most of the species extinct.
Pliocene.	Lower.	Coast Mountains and Gabilan Spur. Also in cavern deposits in Calaveras County.
Post Pliocene.		Southwest of Monterey. Marine shells, all of existing species.

POSITION AND RELATION OF THE VOLCANIC ROCKS TO THE TERTIARIES.

Before entering upon a description of the relations of the recent volcanic group with the primitive rocks, it is thought best to examine their positions and effects, among the sedimentary formations, both ancient and modern; in order to elucidate more distinctly the difference in age, of another group of the volcanic series, which have been described as having been cotemporaneous with those under consideration, and of which there is some question.

The examination of the Coast Mountains has shown us the fact, that those forces on the west side of the basin, which have been instrumental in elevating the range, have had the effect to produce a series of continuous and nearly parallel ridges, throughout the greatest portion of their length; this peculiarity will force itself upon the observation of the traveler if they are crossed at almost any point transversely to their course.

In many parts of this range, the ridges are narrow, and the declivities steep, and the higher isolated peaks are conical. On the summits of these ridges, there are often to be found nothing but bare volcanic rocks which are mostly of a trachytic character; on the sides of some of the hills, which are less abrupt, are to be met beds of sandstones and at times a few slates which from their nature modify and soften the rugged contour of the surrounding country, by their easy disintegration from natural causes.

The sedimentary rocks, as far as observed in this part of the State, are, without exception, of marine origin—the fossils they contain being

of that character exclusively.* In some parts of the country they form beds of considerable thickness, and are rich in organic remains. In some parts of the mountains, the shells are of present existing species, not found upon the coast at the present time; these consist of three or four species of the Arca, and one or two of the Pectinea; these rocks are commonly found resting upon the primitive series, though at times on some of the more recent igneous intrusions. It is considered very doubtful by our conchologists in this part of the world, whether the living shells of the above species now inhabit these waters; and yet these imbeded remains are found in abundance on the summits of our hills, removed many miles inland from the element they formerly inhabited.

The fossils of this part of the Coast Mountains, and which now appear to be extinct, consist of three species of the gryphae, two at least, of Pectinea, Astarte and Cytherea, the species of which will be noticed more in detail in another part of this report.

The position of the miocene rocks in the northern part of these mountains, appears to be directly succeeding the primitive; yet it is found often that they rest upon the trachytes; in all cases that have met my observation, the latter rocks when thus found in contact with the sedimentary group of this period, have broken through fissures in the primitive formations, subsequent to the elevations which occurred during the miocene and middle pliocene periods, or perhaps during the deposition of the latter. The trachytic rocks north of Napa, where they leave the sedimentary group, gradually pass into vesicular lavas, and in these sections considerable quantities of obsidian are to be met with; the Indians in the vicinity of Clear Lake use it for the manufacture of their arrow-heads.

Again, on the shores of Suisun and San Pablo bays, and on the Straits Carquinez, these igneous rocks are found injected into the seams of the sandstone, contorting the strata to a considerable degree. West of these bays the primitive rocks occur at intervals for several miles, and the fossiliferous rocks are found holding the same position as those further north. These alternate intrusions of the trachytic rocks continue south among the mountains on the east side of the Bay San Francisco, and for thirty-five miles beyond its southern extremity; after this they pass into porus lava, and compact masses, ceasing to present any traces of fossiliferous deposits resting upon them for forty miles on this western ridge; after this they again (the fossiliferous) make their appearance in small detached masses, which gradually increase to a well defined formation beyond.

These rocks in many instances are found to rest upon the recent volcanic series direct, and in these cases we find, as may be expected, a corresponding change in their structure, often to an extent that has obliterated every trace of organic remains; while in other cases, where the fossiliferous group has been protected from the more direct influence of the later igneous series by the intervention of any of the primitive

* The lacustrine deposits discovered during the past summer by Mr. W. P. Blake, on the descert of the Colorado are the first fresh-water formations found in this country.

formation, the fossils remain very entire and no change in structure is observable, except where the trachitic masses have broken through both.

Among the hills south of Monterey, other evidences of recent elevation from the intrusion of recent igneous rocks are found; and these occur among that group of sedimentary formations which have been denominated as the *post Pliocene;* (see Table,) these are found on the Carmello Creek, three miles above Meadow's Ranch, where the fine grained sandstone, containing impressions of existing crustacea are found resting upon the granite, but tilted from their former horizontal position by intrusion of recent trap rocks from beneath. This same feature is noticeable north of Monterey, and into the Santa Cruz Mountains, where the marine formations of the Pliocene period are found elevated to different heights above the sea, for miles interior from the present coast line. With these facts before us, it will be impossible to arrive at any other conclusion than that the volcanic series of which we have been speaking, has been continued into a period comparatively recent, and was the active agent in producing those disturbances so manifest throughthroughout those portions of these mountains under our consideration.

An interesting feature in the geology of the eastern part of the Monte Diablo range has been developed during the past season, by the officers of the United States Land Survey, which is worthy of note, as illustrating the mutations which have been going on in different parts of the country, and has served also to fix the age of districts hundreds of miles remote from each other; the marine shells brought into the Survey office by Mr. Von Schmidtz, from the hills bordering the west side of the Tulare Lake are found to be indentical with those obtained from the Buttes on the Sacramento Valley; among the fossils are found the Area, of which there are three species, with two species of Cardium, differing from any found in our waters at the present time.

The surveys of the United States Rail Road Exploring Expedition, under command of Lieutenant Stoneman and Williamson, on the desert of the Colorado has been the means of eliciting much valuable information of that almost unknown and desert waste. The personal and attentive examinations of Mr. W. P. Blake, geologist of the exploring party has opened a new field for investigation in addition to those already existing in other parts of the State. The old water line of the Gulf of California has been traced with unerring certainty for a long distance into the interior, and the fossil remains of marine animals and shells are found promiscuously mingled with those of fresh-water origin, which subsequently occupied the place where the waters of the Pacific formerly held undisputed sway. The discovery and demonstrations of those interesting changes in the elevation of the interior of this part of the State above the level of the sea, with its recession from natural causes, reflects much credit on the discrimination, and careful judgment of Mr. Blake, and must be regarded as a great acquisition to our very limited stock of knowledge respecting the absolute condition of that extensive portion of the interior. Among all those who have preceded him in crossing this "Jornada" at different points, not a word of information has been elicited from which not even a probability of its true condition could be gleaned; until the present time it was a blank in the geological history of this part of our continent; how

far beyond the line of travel to the east, of where this expedition left it, it may extend, is equally as uncertain as was that portion of the ancient sea-beach, and bottom, over which the United States exploring party traveled the past season. The facts which have been gleaned from this interesting region will appear in the forthcoming report of the expedition, and from what little is now known of their operations, the parties in charge of its several departments have manifested a determination of purpose and assiduity in collating reliable testimony of this hitherto unexplored and unknown waste.

Our present information of this remote section of the State, exhibits in a still stronger light, the mutations to which the surface of the country has been subjected, and which are probably persistent at the present time; to what period the changes of this district are particularly referable will not be known probably until the following year, but enough has already been developed which leads to the inference that the sea has receded since the commencement of the tertiary era.

VOLCANIC ROCKS PRECEDING THE TERTIARY ERA.

On a preceding page it was observed that a suite of rocks which are often confounded with the recent volcanic group, existed in the Coast Mountains, these rocks and their peculiar position will be noticed at the present time.

Following the west side of the Valley of Santa Clara, from the arroya Francisquito in a southerly direction, a range of low hills, generally barren in their appearance, is found, which protrude themselves into the valley nearly at right angles to its course. The range of hills were examined for the distance of forty miles, and in no instance, I believe, was there a trace of any one of the sedimentary formations to be found upon them. In this particular they differ much from the other volcanic series, either north or south of them, with the exception of those of the Santa Anna range.

Their naked and rugged aspect on the west side of these hills with their peculiar local position leaves but little room for doubt, but that they are the remains of the summit of ancient craters, elevated above the surface of the then existing sea, prior to the deposition of the marine formations which occur in other parts of the mountain range.

This suite of rocks have evidently found their way to the surface through the primitive rocks of this district, as it is found that they cut the latter in several places in the form of dikes, while the debris of both are found to enter largely into the components of the valley in which they are situated. Another evidence, which lends confirmation to this belief, is the fact, that had the emergence occurred at any time subsequent to the tertiary era, we should have seen *some* traces of such a fact in the elevation of those rocks of aqueous origin. The gradiency of the entire northern portion of the valley Santa Clara will also be found incommensurate with such an extensive series of disturbance as must have occurred at the period when these hills were elevated above the surface. The narrow limits within which they are situated, would have received an inclination much greater than that which the surface now presents,

had their intrusion corresponded with those of a similar character found among the sedimentary rocks on every side of them. Our evidence that these rocks hold an age anterior to the tertiaries, rests in part on this fact: that if the change of position, which the latter rocks have suffered in adjoining districts bear any testimony of the maximum of disturbance among them, we should find *some* corresponding changes of similar character had this volcanic group been of the same age.

In all other parts of the coast mountains, wherever volcanic rocks occur, in masses or dikes, cutting either sedimentary or primitive groups, the evidences of uplift are conspicuous, and either a high uniform grade, distinct undulations, or a terraced form of the valley sections, mark the extent and character of the forces exerted over such areas: while in the case before us, we find the valley adjoining these igneous outbursts maintaining its level to the very base of these volcanic hills. Were there any differences observable in the inclination of the surface of the plain, taken from its northern to its extreme southern point, there would be some reason to suppose that the group under consideration was more recent than the tertiary era.

Passing to the west of these hills, we find the same undisturbed condition of the surface, extending to the base of the Santa Cruz, and you meet with nothing that would in the least indicate any subsequent alteration in the general level until you reach their eastern base: and here, for the first time, a narrow terrace is found, its face rising rather abruptly for twelve feet, and then very gradually for eight feet more, being nearly level from thence to the mountains, a distance of one-fourth of a mile. So little disturbance is manifest in the half formed conglomerate, of which it is formed, that it must be looked upon as having been gradually elevated by forces that have acted equally, and at the same time, on both the older igneous, and recent formations of this section, and the forces that thus gradually operated in producing these phenomena are unquestionably persistent at the present time.

MOST RECENT VOLCANIC ROCKS OF THE COAST MOUNTAINS.

Under this head, a brief description of a class of rocks differing essentially in relative position, lithological character, and general effects on the surrounding country in which they are situated, from those noticed in the preceding chapter, will be given. The section of the country though which they may be observed, has been stated to extend through about forty miles in length of the Monte Diablo Range, and make their appearance in the Santa Anna Picaches, on the south-east border of the Santa Clara valley.

In examining this group it was found, that they consisted principally of compact and vessicular lavas, having different degrees of firmness and texture.

A conspicuous and striking feature of these rocks is found in their connection with other formations, both igneous and sedimentary, and in the case of the latter class they are seen to have acted directly upon them, elevating the same to different altitudes above the sea level. The

former rocks form the principal ridge, separating the Pass of Pacheo from that of Santa Anna Pass, (or Cañada Las Muertas), and present a very rugged and conical outline at a short distance. They were probably the grand centre of those recent volcanic disturbances that were in action during the elevation of this part of that mountain range. The higher peaks are composed of trachytic masses, while the lower hills contain immense quantities of the vesicular lavas above noted; from the position which the latter occupy to the former, it appears that during the later periods, when these fires were in action, fissures had been formed in the sides of the two principal craters, through which has flowed large quantities of the fluid masses: one of these dikes cannot be less than eight miles in length and ran in a northerly direction.

At the Santa Anna peaks, the principal crater has, apparently, fallen in during some period of its eruption, and subsequent to this, a large fissure has been formed, probably from the effects of an eaarthquake, and, perhaps, at the time when the north side of the Gabilan was precipitated into the deep ravine at its base.

North of the latter mountains at the distance of eight or nine miles, is the elevated peak known as "Pacheco Peak," which is a true volcanic cone, and in the ravines to the north of this crater, the Indians of this section of the country obtain absidian for the manufacture of their arrow heads; to the north-east of the mountain a large dike of lava, similar to that noticed above is found, which appears to have flowed through a fissure very nearly down to the base.

South of the Santa Anna, the tertiary sandstones of recent date appear, resting directly on this class of volcanic rocks, and bear every evidence of having suffered their principal disturbance from these agencies; the almost complete metamorphosis of the sedimentary group is a proof of this; and the evidences of comparative recent action is found in the fact, that the organic remains found imbedded in these rocks contain a large per centage of present existing species on the coast.

It will be apparent that a difference in the age of that group found in the preceding chapter, and the one under consideration will be manifest, from the fact that in the present case the most recent of the aqueous rocks have been disturbed and elevated since their formation, while in the former group of igneous origin, no features of this character are observable. The vesicular character of the group under consideration and the trapean character of the others, is also a distinctive point that would place each in a different period as regards their age; the older group have every appearance of what has been termed the "primitive trapean rocks" found in some parts of the Sierra Nevada, and which could not have held an age but little posterior to the older rocks of the Eocene, as they are found not to have disturbed the middle group of that period.

The tertiary groups of the Coast Mountains consist of the miocene, pliocene, and post-pliocene periods; the eocene rocks being entirely absent as far as yet examined; it is also found that the miocene rocks do not extend on the coast line beyond a point sixteen miles north of Santa Cruz, and that south of this point the pliocene series predominate. This fact then once established affords a clue by which we are able to

determine to a certain extent the age of the volcanic series which has disturbed them, and fixes that age posterior to the formation of the latest of the groups.

CHANGES OF LEVEL AND RIVER TERRACES.

The valley sections of this State present a general uniformity of character in their superficial structure, wherever found: their surfaces are distinctly marked by a regular series of minor elevations, which give them the terraced form so peculiar to those sections. The face of these terraces are of different heights, and the surface of each is found to have a gentle inclination toward the streams that flow through them. In some parts of the "great valley" there are to be seen a range of hills having flat summits, which on examination are proved to have been the shores of an inland sea: these usually arise from the higher portions of the upper terraces, and where they are found near the borders of the plain, they present often trifling evidences of excessive subterranean action. These "tables" when found on the immediate borders of the plains, do not appear to have participated in the more violent disturbing forces found in the interior: they are usually from four to five hundred feet in height, while those farther to the east attain an altitude frequently of more than two thousand.

Immediately succeeding these, the first terraces of the valleys appear, and from the observations of different travelers, we learn that they are continuous into the Territory of Oregon, and probably beyond that point: while south of California their existence is known to the northern boundary of the Province of Sinaloa in the Republic of Mexico. In these we see the evidences of gradual and probably persistent elevation over an extent of country nearly two thousand miles in length, and in the present state of our knowledge, must be regarded as part of one of those great continental elevations that has occurred during the comparatively recent history of the world. This State is situated nearly in the centre of this line, and from its position must partake to a greater or less extent in all the general changes of level that may occur on either side of it; and all observations which have been made within the last ten years have only tended to confirm this fact.

Mr. Dana who has given more attention to the formations of the valley sections of the Pacific Coast, and who probably has better opportunities for observation from San Francisco to the north, in speaking of them, says: "We traced these terraces from the Cowlitz to the mouth of the Sacramento, along many of the smaller streams as well as the rivers. There appears to be but two ways of accounting for these terraces, either lakes have existed along the rivers, which have burst their barriers, or the rivers have excavated the country in consequence of an elevation. The existence of lakes throughout a whole country, connected with all its rivers, is highly improbable, and requires for its proof the strongest evidence. Rivers cut out their channels by a gradual process, as a country is raised above the ocean, forming with few exception a complete drainage for the land. Lakes could not exist, therefore, to the universal

extent implied by the facts, except, perhaps, as a sudden rise of the land from the ocean.

"The formation of such lakes by an abrupt elevation in a region having the ranges of heights parallel with the coast, is certainly a possibility. But the water to make the alluvial accumulations, must be running water, and be in operation in its channels a long period. And how long would such lakes exist after an elevation? If the violence attending a change of level did not open for them at once a passage, the accumulation of water during a single flood would break a passage through such soft sandstone beds as occur at the mouth of the Sacramento."

These terraces occur on the Sacramento to the distance of one hundred and fifty miles from the sea and at this point they were as high above the level of the river as at any point lower down, and have nearly the same elevation in all parts examined above the existing level of the stream.

The flats are several miles in width, and until reaching Carquinez Straits, no other place for a barrier could have existed. In this place a permanent barrier of at least four hundred feet in height would have been required, to set the water back so as to cover the upper terrace one hundred and fifty miles above the mouth of the river, and in the second place, the lake should have a surface slope like the present bed of the river, for this is the fact with the land of the terrace—of course an impossibility. Wherever the bed of the stream was four hundred feet above the level of the sea, there the terrace should disappear; in place of which they attain an altitude of seven hundred feet at the distance of two hundred and twelve miles from the head of Suisun Bay.*

It is therefore impossible that one or many lakes should accomplish the results we have before us; it is the proper effect of river floods, and the terraces must be received as indicating a change of level in the country.

Was this change of level an abrupt one, or was it slow and gradual? This seems at first, a question easily answered. We may best understand it by considering the changes that would take place during the elevation of a region of alluvial flats. If a country rise abruptly, the river will commence to work itself to a lower level, and proceed with rapidity, ending finally the very gradual slope of ordinary rivers, having a descent of one or two feet per mile. At the same time, in the season of floods the river would wear into the former alluvium (now its banks) and widen its surface; and this widening would go on at each succeeding freshet till the river had a new lower plain on its borders.

But would not the effect be the same during a gradual rise. As the country rose slowly, the excavation of the rivers bed, and latteral widening during freshets would go on gradually with the same results, producing a deeper bed and a new lower flat, both of which would change as the change of level progressed, and in case the lower flat resisted removal in any part, the portion left standing would form a subordinate

* I have in my possession at this time, specimens from this highest terrace, which is found on Weaver Creek, Trinity County. They were taken from different depths of a shaft which has been sunk through the alluvial deposit *eight hundred feet*; the different strata found though are composed of clay, gravel and sand, in nearly all of which, gold has been found throughout.

terrace between the upper level, or that of the plain before the rise began.

A terrace slope may thus be formed by a gradual elevation, and also without any intermission in the process, there might be intermediate terraces in some parts of the same region. A river terrace then, in an alluvial district cannot be considered an evidence of abrupt elevation of country in which it is found, the more especially if a uniform slope is found upon its surface.

The district south of San Francisco in which extensive valleys are to be found comport themselves in all general features with those found on the Sacramento and thence into Oregon. On the south part of the Santa Clara Valley, beyond the ranch of Cruz Cervantes, the terraced form of the valley is clear and distinct; in this place there were but two of these flats observable—that through which the San Benito flowed, had a rise of nine feet above the level of the creek, while the higher terrace to the east rose very abruptly eighty-five feet above the former. The surface level had an inclination of twelve degrees from the base of the Santa Anna Mountains towards the west; the river flowed upon the western side of the valley entirely.

Two successive terraces were found on the Pajaro, the upper one still retains the marks of tide water upon its surface.

The Salinas Valley exhibits the terraced form in a marked degree, and its inclination of surface from the east toward the west corresponds very closely with that just noticed as occurring on the south part of the Santa Clara and San Juan. The number of terraces on this valley are three, and have a varying width of three to five miles, the slope of each surface is gentle and smooth throughout the entire length of the plain. It differs from the Sacramento or San Joaquin in having but one line of inclination or dip, the others have a dip from each border toward their centre, thus giving them their basin-shaped structure. The slope of the Salinas appears to have been acquired from the recent volcanic agency that formed the Santa Anna Mountains, and those to the north as far as Pacheco's Peak; on examination it is found that the dip of all the sedimentary or stratified rocks of this part of the country correspond in direction, and that the dip decreases as the distance from that centre increases. The Post Pliocene rocks of the Carmello were disturbed at this time, and the entire range of sedimentary rocks of recent date, throughout the Coast Mountains in this section of the country have suffered in a similar manner, and undoubtedly from the same cause.

From the peculiar features manifested in the formation composing the Coast Mountains, as noted in the preceding pages, and the more recent causes of disturbance which have acted in this part of the range, as is found in the modifications of level extending through the valleys above noted, and the intervening mountains between these valleys: it will appear very doubtful that any formation containing mineral coal will be found. The forces that have acted on this part of the country and have elevated the different rocks found on the mountain sides, have as yet developed no member of the secondary series, in which the coal formations are found; but like the mountains to the north, both in the Sierra Nevada and Coast Mountains, nothing above the primitive is to be seen,

except the tertiaries, in which no coal beds of extent have yet been discovered.

From a careful examination of this part of the country, with this object in view, I feel no hesitation in saying that coal will not be found in any part of the Coast Mountains south of the thirty-fifth parallel of north latitude; what there may be south of this point, I know nothing having never visited it.

It is not unfrequent in passing over the country to hear of *beds of mineral coal;* during the past season I have visited four such localities, and, as was anticipated, each of them proved to be merely small beds of lignite, and two of them hardly deserving that name. One of these deposits proved to be but a bed of leaves, having a thickness of about three inches, resting upon a tertiary sandstone containing marine shells, and covered with twelve feet of a sandy alluvium. This is one of those coal beds which has figured so largely in the public prints of the State during the past year, and has induced several gentlemen to pay the locality a visit, and to return as deeply disappointed as their previous anticipations were elevated.

The report of coal veins in the Coast Mountains must be received with many grains of allowance, and at the best, none but tertiary deposits will be found, and these, even should they exist, would be capable of supplying but a limited demand, and that usually of an inferior quality.

SOILS OF THE VALLEY SANTA CLARA AND SHORES OF THE BAY SAN FRANCISCO.

The character of mountains on the borders of valleys, afford a good criterion to judge of the capabilities of the soils found at their base. It is therefore not difficult to form a correct opinion of the constituents of a soil, once knowing the nature of the rocks in adjoining sections, and consequently their adaptation to the various purposes of agriculture.

The more rapid disintegration of some classes of rocks compared to others, will form a striking feature in the productiveness of the soil with which they enter as a component part, their chemical constituents, adapting them to agricultural employment, or rendering them totally unfit for these purposes, without the addition of some agent not found as an integral of their composition. It is therefore not surprising that in passing over a range of valley, or mountainous district, to find so many and diversified features presenting themselves often in adjoining localities; it is not unfrequent to find a perfect transition in the indigenous productions of the soil, occurring in the distance of a few hundred yards.

These peculiar features are best exhibited among the native grains and grasses, and occur alike, on the valley bottoms or on ascending a hillside. Thus, on ascending a hill, at whose base may be found a calcareous rock, resting on any one of the plutonic series, the native product at the base, and within the direct range of the limestone, may be the wild oat, almost as soon as these rocks are passed, and you enter the granite or trapean group, the cereal ceases to grow, and is replaced by the native grasses in some of their varieties, or if the rocks succeeding

the former, should belong to the serpentine group, a useless shrub will often be the resulting growth.

Equally as perfect and marked are the phases presented on the valley bottoms alone: passing through the same transitions as above, and on an examination of the sources from which the soil has been derived, it will be found that the mineral constituents of both sections presenting those changes, will differ in a material degree. Take the upper terrace of any one of our large valleys, and by following this to a lower terrace, the first principal change occurring will be found near the junction of the former, with the latter, and this as it recedes from the former, will be found productive of a widely different and greater variety of plants than the hill-side or upper terrace preceding it, and the native productions of these, not unfrequently disappear entirely.

Another feature equally interesting and instructive, is found in transitions of the varieties of production on the same line of valley, which has derived its soils from the same suite of rocks, this might easily be mistaken for a change in the mineral constituents of such soil, which is not the case, but the modification of growths in this instance are attributable to the more uniform and equal distribution and communication of the material composing the soil, thus rendering its chemical constituents better adapted to assimilation, and the consequent production of variety as well as quality and quantity.

The soils on the Bay San Francisco differ much on its eastern and western sides; both borders of the Bay present the tertiary series, but both do not present the trapean rocks to the same degree of development; this, then, of course, will cause a distinctive and marked difference in the productive capabilities of either shore. It will be found that in all the soils which have been derived, in whole, or in part, from rocks more recent than the tertiary group, that a more extensive and varied adaptation to agricultural purposes will be present: this will be particularly manifest in those sections where the tertiaries, containing organic remains, enter somewhat largely into the components of the soil produced from such sources.

We often meet an extensive and even tract of country lying at the base of a range of hills of the character named above, which are found not to possess so high a degree of fertility as an adjoining section, yet both have derived their soil from the same sources: it becomes not only interesting but important to ascertain the cause of such a discrepancy, and an attentive examination will often point out a natural obstruction of a mechanical nature which has thus been the cause of the impoverishment which may be present. In this case a barrier will often be found among the foothills which has prevented the uniform distribution of the disintegrated rocks above, rendering the plain within its line less productive, rather than the introduction of any new agent, except, perhaps, that derived from the rocks forming that barrier, the amount of which would be inconsiderable, compared to the mass of alluvium beyond.

In illustration of this a single case only will be mentioned. On the Valley Santa Clara a few miles east of San Jose, the mountains are capped with fossiliferous sandstone for miles in extent, north and south.—On examining the slopes of these hills and the broad ravines among them, a rich and deep soil was found to cover the whole, and the vege-

tation growing upon them bore a just relation to the character of the ground on which they flourished. Passing to the westward toward the valley it was found that the same character of soil continued to the first hills rising from the plain, these bearing an altitude of one hundred feet above its level. On reaching the summit of these hills, the rich, mellow soil to the east instantly gave out, and in its place a heavy, clayey covering was found upon the surface for a considerable distance into the valley; this transition occurred within so short a distance that I was led to examine more particularly the cause producing it, and accordingly followed the line of these hills until an outcrop of these rocks were found: they consisted of aluminous and chloritic slates, having a high inclination and dipping to the west; from their position they presented a perfect barrier to the passage of the richer soil of the hills passing on to the valley in any other junction than north and south. As far as this line of slates extended, the valley beyond partook, in a greater or less degree, of the character that would be produced by their disintegration, and ill adapted generally to purposes of agriculture unless by artificial application of reclaiming agents and tillage. As soon as the slates began to disappear in the foothills, the character of the soil on the plain beyond assumed a different appearance, and a marked and corresponding change in its vegetable productions.

A mechanical impediment simply is the cause of unproductiveness in such cases, and in instances of this kind, the remedy usually abounds in abundant quantities and at short distances from the points where it may be required.

On the south-east shores of the Bay San Francisco, there are large areas of land that at the present time are considered useless for agricultural purposes, from their low position and semi-argilaceous character; they have often been denominated "mud flats," and heretofore have been considered unadapted even to grazing for sheep. These flats generally extend (toward the bay) one or two miles from what are considered available and good agricultural lands. Their general appearance to the passer-by is such as would not be likely to impress a person very strongly in their favor, as lands retaining much fertility, but from their superficial appearance would be regarded as a poor representation only of a salt meadow, productive of little else than the common samphire. But such is not the fact and if experience and experiment have any value or weight, they will be thrown in the balance to the favor of those lands; experiments have been made during the past season on these sections, which cannot fail to convince us of the fact, that the opinions heretofore entertained respecting the available character of a large portion of these districts, are entirely erroneous. A single experiment illustrating their capacity for production if properly tilled, will be given.

Near Uniontown, in the County of Alameda, several acres of land, producing the *samphire* on their flats, was broken up and planted to corn; in one case it was sowed in drills; the corn continued to flourish until September which was the last time I saw it; and at this time the stalk of that in the drills had acquired an average heighth of about nine feet. On the south side of the arroya Alameda another field was planted in hills, which was equal, if not superior in heighth. The soil, when broken up, is rich and highly productive in other grains, notwith-

standing the meagre appearance it presents prior to tillage, and will in a few years be as successfully and largely cultivated as any other of the valley sections. The *saline lands* of the interior sections are also of the same character, to a certain extent, and if properly tilled are equally productive. Near the rancho San Felipe, Santa Clara County, a similar circumstance was met with; the corn grown upon these lands was being harvested in September and produced a full and well-formed ear, proving not only adaptation of soil, but climate—for the production of this staple in California. The latter case, the lands were 225 feet above the sea, and the field on every side except the south-east was covered with a thick growth of the salt grasses and other kindred plants (samphire) and when free from water the lands were covered with a saline incrustation.

Under a proper course of treatment these lands will be made available for the purposes of the agriculturalist, and our already large domain of arable lands thus much increased. The situation of these lands in the interior is such, that they may be easily reclaimed should they ever fall within the jurisdiction of the State, which undoubtedly they will under the law regulating "saline lands." In the counties of San Francisco, Santa Clara and Alameda the wet land that may be made available by drainage is about seventy square miles, exclusive of the "saline lands" at the southern part of the County of Santa Clara.

Most of the valley sections of this range of country is arable land, and that which is not can easily be made so when required: the agents for bringing this about being found in the adjoining hills to the east.—The character of the soil and climate adapts it to all the productions of temperate climates, and where local position modifies the climate of any section, it is found capable of producing plants of the tropical latitudes.

The extreme south-eastern part of this valley would be adapted to the growth of foreign fruits and other products, but it must be beyond the influence of the cold sea-wind that passes inland across the range of lower hills which divide the Salinas, Pajaro, and Santa Clara Valleys, the effect of which would be to blight the fruit, though the plant or tree might continue to thrive.

The low hills that flank the east side of the valley contain all the elements required for the culture of tropical plants and fruits: the climate and soil will be found adapted, and the only agent that appears in the least to be wanting is water sufficient to supply the demands of those plants. From the appearance of small lagoons and rivulets at different elevations it is presumable that a sufficient quantity of this agent may be found a short distance below the surface.

As a general rule the mountains lying upon the east border of the valley Santa Clara are covered with a soil superior to that of the plains, and of much greater depth. I have measured the depths of these soils in many places, and where it is well developed have found it varying from four to eleven feet for miles continuous; its extreme fertility produces heavy crops of the native grains and grasses which annually contribute to its increase by their decomposition.

Although these lands are situated within the reach of the sea-breeze from the Bay of San Francisco, they are protected from its cold by the

slope of the hills and the modifications of its temperature acquired in its passage down the bay before reaching the northern portion of the valley. So much is the temperature increased that an addition of ten degrees is often acquired in its transit from San Francisco to the head of the valley, a distance little rising fifty miles. This increase of temperature in the air is accompanied with an increase in its capacity for moisture, hence it is usual to find a slight aqueous haze, which results from the condensation of its moisture, hanging about this entire range of hills during the summer months, and is usually seen early in the morning.

At this time and for a short time after sun-rise the leaves of plants in these hills are covered with moisture, when no trace of this deposit is observable on the plains. The foreign horticulturist seems to have siezed upon the natural advantages which these mountains present for the culture of the vine and other fruits, prefering these elevated situations to the lower plain lands, the climate and soil being more congenial to their growth. The altitude at which the first qualities of the grape will flourish in these mountains (Monte Diablo Range) is seventeen hundred feet above the sea, the fruit produced equals that grown in lower situations; the temperature at this elevation through the night is higher than on the plains at their base and sufficiently comfortable to sleep without shelter.

But a very few years will elapse before these "barren" mountains will yield a handsome income to the planter, and a large revenue to the State, from the taxable property that will be found in these mountains, arising from the prodution of the vine alone; some idea of the extent to which it is now being propagated may be obtained when it is stated that nearly two hundred thousand sets have been put into the ground during the past year, and on one ranch alone over twelve thousand new sets were placed in the ground last season, in addition to those already in bearing condition on the same farm.

The absence of timber in these mountains is one of the most serious objections to the settler, if this objection can be removed there is no reason to doubt but that large tracts of this fertile district would command a population that would soon approximate that on the plains. It would not be difficult to produce a forest growth of trees upon these mountains, one that would prove useful as well as ornamental, conducing to health, comfort and luxury, as well as profit. The history of the Guava furnishes us with some facts on this point that are well worthy of notice; the tree is of rapid growth, spreading itself over large districts in a very few years. In Mexico it attains a height of forty feet, and grows at elevations of five thousand feet; its wood is used for fuel and many other purposes, and from its fruit the guava jelly is manufactured, and forms an extensive article of commerce.

Fifty years ago this tree was introduced at the Sandwich and Society Islands; it has in that short period of time formed one of the principal forest trees of those islands, and reaches the summit of their highest hills. A tree of this kind introduced into our timberless hills would in a short time render the barren aspect they now present, more pleasing and profitable as well as useful. There can be but little doubt that this tree will flourish in this country, as it is found so to do in a climate

equally cool as that in which it would be required here. Other varieties of fruit bearing trees of foreign climates will flourish in these mountains; among these may be mentioned the date, prune and fig, and in this country we possess an advantage in the preparation of the two latter fruits for the market, which is seldom found even in countries where they flourish best, viz: a clear, dry air, or containing but a small degree of moisture, a most essential requisite in forming a good commercial article. Often the entire fruit crop is ruined in the drying process in countries where these fruits abound, and where all conditions for their propagation are not more fully developed than in this country, from the presence of too great a quantity of moisture in the air, a circumstance that cannot exist in this country south of the county of San Francisco.

We have the most ample proofs of the capabilities of our soils in the interior, in the production of the foreign fruits. In addition to the above, the olive and the almond flourish and produce bountifully, and though the latter is not indigenous, the luxuriance with which it grows and its plentiful production of fruit, must be received only as another evidence of the fact above stated. The value of these fruits as regards their quality, suffers no deterioration from having been naturalized to our climate, but in the case of the latter named fruit, it is found to be materially benefitted by the change, for as it loses none of its flavor it becomes the more valuable from its increase of size, being nearly double that of the ordinary fruit of the market.

Respecting the main body of lands on the valley and shores of the bay, but very little of which is not adapted to agricultural purposes, it may be said to cover an area little short of six hundred square miles, nearly all of which is well adapted to the cultivation of the cereals and root crops. The higher table of the valley produces excellent corn, and the season though dry permits this crop to mature well. I observed several corn fields on the high terrace of the valley last year, flourishing well at altitudes of three hundred and sixty to four hundred and ten feet, and in localities where it would hardly be supposed from its external appearance, that moisture sufficient to mature a blade of grass could be found. The cause of this productiveness in these localities, is in a great measure attributable to the existence of a small quantity of sulphate of lime in these apparently dry soils, derived from a limestone formation in these mountains, and which extends south beyond the Almaden district. The detritus of this rock is found mingled with fragments of other rocks containing ferruginous pyrites in a decomposing state, hence the key to its appearance in the locality, and in the case before it serves the purpose of an absorbent of moisture, thus materially facilitating the growth of crops in these sections.

VALLEY OF THE SALINAS.

This valley is situated south of the Pajaro River, and is separated from the Santa Clara by a spur of the Monte Diablo Range which sinks into a range of low hills forming a divide between the former and the Pajaro Valley also. The length of the Salinas is about ninety-five miles. The main course of the valley is about south-east by east; and is coursed

by one river (the Salinas) for its entire length. The stream is situated on the west side of the valley for the first fifty miles of its course, after which it crosses the valley a short distance above the Soledad Mission, at an angle of forty degrees to the main axis of the plain. The physical appearance of this large plain differs much from that of the Santa Clara or the Pajaro; when viewed from its centre it has a gentle slope from the east toward the west; but more minute examination exhibits a terraced form to the plain, similar to those observed on the Sacramento, and are three in number, and each possessing a soil of different degrees of fertility and value. The river has a fall of about two feet to the mile, and has acquired its present position within a very recent period, running as it does amongst the most recent tertiary rocks, and alluvium in its more northern portions. Near its sources there are several small streams putting into it, which furnish water throughout the year. The bed of the stream is composed of a fine whitish quicksand, which renders it dangerous to ford at times, and it is seldom attempted, except at localities which are used for this purpose. A large portion of the valley, within eight or ten miles of the coast, and on its south-east border and centre, is made up of low wet lands, covered with willows and tule, these terminate in lagoons and sloughs as they approach the coast, and contain a sufficient depth of water to float a medium sized vessel to the Bay of Monterey. The only obstacle that renders these waters innavigable for some distance into the interior of the valley, are the bars of drift sand which are thrown up by the surf on the coast: a good and substantial breakwater, constructed at some one of these points, would render navigation safe, and materially enhance the value of the public and private property of this section of country, and be the means of affording not only much needed facilities of transportation in the productions of the interior to market, but afford inducements for the permanent settlement of this immense tract of country (now almost, it might be said, uninhabited and unimproved,) which this, or some other equally efficient measure would be the means of consummating in a short period of time. The extent of land in the interior that would be affected by a measure of this kind would be very great; it being not less than one hundred and fifty miles in length, and possessing capacities for agricultural production equal to any in the State. This will appear the more evident and necessary, when we find that the lower bottoms above the Salinas Valley are capable of producing a wheat crop, (at thirty-two bushels per acre) sufficient to meet the demands of a population numbering three times that of the present within this State:—say nine hundred thousand.

A district of our State presenting capacity and advantages of this character, and crippled as it is for the means of transporting its productions to our markets, should command some attention, and such, at least, as would have a tendency to induce an early and permanent settlement of such lands, if nothing more; and this the more especially as a considerable area of the over-flowed and saline lands of these plains must ultimately fall within the jurisdiction of the State.

SOILS OF THE SALINAS.

The soils of this valley have been derived from the primitive formations on both sides of the plains: that derived from the granite series on the coast side is coarse and easily permeable to water; this obtains more particularly in the vicinity of the Gabilan mountains, and this variety of soil does not extend beyond the high "mesa" on the eastern side. The trapean rocks and limestone of this range exert an important influence in modifying the sterility usually attendant on soils derived from the detritus of the granites, and in this case they exist in sufficient quantities to render those soils productive on the upper terrace of the valley. The productions of each of these terraces differs in a material degree, arising principally from two immediate causes; the first moisture, the second, the finer disintegration of the material composing the soils; to these may be added a third, which sometimes exerts a wide influence on the lower bottom. The upper terrace produces the native wild oat for the most part, or a wiry tough grass; the oat flourishes to the exclusion of the latter on a brown red soil composed of loam mixed with the harsher material derived from the granite, and wherever this loamy matter is found to diminish in quantity, a corresponding increase in the native wire grass is found. This rule was found to hold good in the entire length of the plain on its eastern border.

Passing to the second terrace, plants of a different character are found. The oat is found to a considerable extent on some parts of this, but is usually succeeded by another variety of grass which seems much better adapted for feed to animals, and usually grows very thick and matted; among this the common burgrass, which increases in quantity as the lower terrace is approached, and which animals are extremely fond of eating, in preference to the oat when placed side by side; on the western edge of the second terrace, the wild mustard abounds, covering thousands of acres, and growing to the height of ten to fourteen feet, forming an impenetrable jungle to man or beast for miles in extent; wherever the settler has succeeded in eradicating this article from the soil, it has been found to produce abundant crops of grains or roots, and if anything superior in some cases to the lands of the lower bottom. The lower part of the terrace on which the mustard is usually found in greatest quantities, is sufficiently moist for the propagation of any crops that may be necessary to be placed upon them. Water is obtainable within a few feet of the surface on any part of it.

Passing to the lower terrace, we find the principal native productions to be the burgrass and a variety of the rumex, mingled with a much greater variety of others than is to be found on any other part of these bottoms. On the higher positions the mustard also abounds in considerable quantities. Some parts of this terrace are arenaceous, being covered to the depth of two feet with a loose, fine sand, usually the result of a heavy freshet, and not otherwise. In this is found a third cause for the varieties which these bottoms produce. An interesting exhibition of this occurred from the freshet of last winter, on the Castro Ranch, adjoining the Wacional. At this place about three hundred acres were covered with this sand to the depth of two and a-half feet; on a portion

of it a fine field of corn had been raised the previous year, also wheat and barley. The land formerly produced a heavy growth of mustard, but was reclaimed from this in part by tillage. The effect of the overflow was to destroy every vestige of former vegetation, and in its place a thick growth of willows had sprung up that were equally impenetrable with the mustard on the plains. At the time I visited them they had attained a height of about four feet. This immense deposit of sand on the arable land of this part the lower bottom is covered by the obstructions on the beach of the coast to the free egress of the waters from the interior during freshets, and until they shall be removed, some of the best lands of this valley will be constantly subjected to this ruinous result in all coming time.

The amount of land liable to be thus buried beneath this arenaceous deposit is great, and as it comprises a large part of the most valuable property in this section of country, it demands consideration.

The quantity of arable lands contained within the Salina Plains, is estimated at about seven hundred and eighty square miles, this being comprised in the lower terraces only; the upper terrace cannot strictly be considered as available for agriculture, but it more properly a grazing country with very few exceptions. The above quantities are divided as follows: the lower terrace or river bottom contains three hundred, twenty miles, and the second terrace about four hundred and sixty, and enjoying a climate in its different sections which will be found adapted to the growths of the extremes of temperate zones.

PAJARO VALLEY.

This valley is situated on the coast, and is bounded on the north and east by the southern part of the Santa Cruz Mountains, and on the south by the low hills forming spur of the Gabilan Range, and which divide it from the Salinas Plains. The valley is about eight miles in length, and about four in breadth on an average, exclusive of the foot hills, or low, table hills, on its west border; the Pajaro River forming the boundary of the counties Monterey, Santa Cruz, Santa Clara, has its rise near San Felipe, and flows in a westerly direction through the low hills at the base of the mountains, thence along the northwest border of the valley for about two miles, where crosses the latter within about a quarter of a mile of the town of Watsonville, and reaches the sea at a point south ten degrees west of the latter locality, four miles distant.

This plain is of comparatively recent formation, and formerly was a well-sheltered bay of the sea; the sandstone formation in the hills to the north and east are of the same age as that now forming the coast line between it and the town of Santa Cruz, the fossils of which of present existing species; the forces that were instrumental in elevating this section have been gradual, as is evinced in the highly disturbed position of the sedimentary rocks along the coast for thirty-five miles; in these localities, it is difficult, in some instances to detect any inclination of the strata whatever, and it is only in the mountain sections that this disturbance becomes markedly manifest; the uplift of this entire section has taken place since the rocks on which the tertiaries rest assumed

assumed the solid state, as no instance of change in the structure of any of these rocks is apparent at the points of contact. The under-lying rock is primitive and of the granite class, and this continues for eighteen miles north of Santa Cruz. In this valley and also in the vicinity of Santa Cruz the soils are made up of a mixture of the primitive and sedimentary formations, thus rendering them fertile and easily tilled. In the lower lands the soils are much better developed, yet the hilly lands are capable of producing abundant root crops and grains. The cause that render these hill-sides adapted to agriculture is the same as that found on the high terrace of the Santa Clara, viz.: a quantity of sulphate of lime acting as an absorbent, and retaining sufficient moisture to support a healthy nutrition in the plant.

The entire range of hills lying between the Pajaro and south part of the Santa Clara, and also a large portion of that range between the Salinas and Pajaro are well adapted to cropping, particularly for winter grains, and in some instances they are preferable to the valley lands, and would, if brought under cultivation, produce better crops than the plains; they are also much better adapted to the culture of fruit-trees than valley sections, possessing all the elements of which the valleys are composed, and which render them fertile, they possess the advantage of sheltering the young tree from the effects of the strong winds that pass over these sections from the sea, and also its chilling effects on the young blossoms and fruit.

There is no part of this State that I have visited, which possesses the same natural advantages for fruit culture as are to be found in the district above alluded to; while artificial irrigation is necessary in other parts of the State, in order to sustain the vitality of the tree; this is furnished regularly each night by aqueous exhalation from the ocean, and extending some thirty miles into the interior; during the months of July and August, last summer, an opportunity to observe this part was offered, and I found that over this entire section a sufficient amount of moisture was deposited each night to wet the leaves of plants very sensibly, and during the heavier fogs, a quantity sufficient to keep the ground wet under medium sized trees until near mid-day; a person entering this section of country in the morning would suppose from the appearance of the ground that a light rain had occurred during the night, and it was not unfrequent that I was obliged to dry my blankets in the morning previous to saddling my horse.

The soil is equally adapted to their propagation being of texture that will permit the expansion of the roots below the surface without the necessity of sinking deep into the earth, as is the case in many parts o fthe country, where even the most hardy indigenous trees are found to send their roots to great depths in order to obtain nourishment and support for the trunk. It is surprising that with the advantages presented for the cultivation of American fruit-trees in this section of the State, that so little attention has been given to this subject in this vicinity; heavy losses have been sustained by individuals in attempting to rear trees in many parts of the country, and this has, in a great measure, prevented others from embarking in this enterprize; but in most of those cases where failures have followed the attempt, it has been from a soil ill-

adapted to their propagation, or in localities where floods have had the effect to destroy them.

These injurious influences are absent here, and there is every thing that can be desired to invite the pomologist in this ornamental and useful enterprize.

Fruit culture is to form an important branch in the industrial pursuits of this country; the lands best adapted these purposes in other localities than those mentioned, are to be found in the south and middle portions of the County San Francisco, from the San Mateo to the Francisquito and toward the foot of the mountains to the west. North of San Francisco, the upper portions of Napa Valley and Sonoma are equally as good as those of some parts of the county of Santa Cruz, affording much the same general characteristics as those of the latter county.

LIVERMORE VALLEY.

This valley is situated in the central portion of mountains lying east of the bay San Francisco and valley Santa Clara; it divides these mountains into two distinct lines of ridges, and runs rather obtusely to their course. The different names that are applied to this valley convey the idea that there are as many distinct valleys, but such is not the case, as no hills intervene to destroy the general level throughout its entire extent. From its extreme north to its extreme southern terminus the valley is about sixteen miles in length and from five to seven in breadth. On the north it is bounded by Monte Diablo and its adjoining hills, separating it from Pacheco Valley; on the east by a single high ridge separating it from the plains of the San Joaquin; on the south by the hills near the northern part of the Cañada Corall, and on the west by the high ridge separating it from the Bay San Francisco. A large portion of the northern centre of this valley is occupied by a lagoon filled with tule, and the latter extend for a considerable distance from its borders.

The soil of the valley is generally good on the borders, but toward the centre it is either wet and heavy and withal somewhat saline, on the higher parts dry and gravelly. The entire district appears much better adapted to grazing lands than to agriculture, unless water for irrigation is obtained through artesian borings, and from the appearance of the valley there is but little question that an abundant supply is obtainable from these sources. The altitude of the valley is four hundred and thirty feet above the sea; and derives the principal portion of its supplies of water from the slopes connecting with Monte Diablo. On the south and southwest sides, among the hills, considerable masses of the metamorphic rocks are to be seen, and the appearance of quartz veins is more frequent in this vicinity than in any other section of these mountains that were observed.

On all the hills that surround this basin, are to be found fossiliferous sondstones, and among the alluvium, in some localities, are to be found considerable quantities of fragmentary shells, among which a large Gryphea has heretofore existed in considerable quantities. Some specimens of the latter fossil are to be found in the office of the U. S. Land Survey,

but none that were sufficiently perfect for cabinet specimens could be obtained at the time I visited the locality from which the above specimens were taken. These monstrous bivalves retain the animal in a petrified state most perfectly preserved, and it is evident from their distribution and appearance that they must have been elevated above the surface of the waters during life; the evidence of this exists in the fact that nearly every shell contains the animal, which if they had been raised above the surface after life had been destroyed the probabilities are that very few animals would be found.

The route from this valley to the San Joaquin plains lays through a narrow pass emerging from the southwestern side of the valley. The pass retains the name of the valley into which it enters, and is about sixteen miles (inclusive of that part of the valley through which it passes,) in length: at this point you enter the San Joaquin Valley at a point known as the Elk Horn. The house at this place is two hundred and twenty feet above the sea. A gentle rise of the land occurs here for about half a mile, and then the valley slopes gently towards the river. The road to the river follows the course of the tule bottoms for about twelve miles, and then enters an Encinal of oaks, which continue to the river.

One of the chief points of interest in this vicinity is the extensive area covered by tule; they commence near the junction of the river and Suisun bay, and extend to a point about eighteen miles south of Castoria on the west side of the river; having an average breadth of about twelve miles. From the appearance of the country in which they are situated, I had formed an opinion that a large proportion of these lands might be easily reclaimed, and if so, they must ultimately become valuable property. With this view the altitude above the sea was taken in several places, on my return to the mountains to the west, and the average of those results gave the sum of eighty feet above tide level. Should it prove that this level is maintained to any considerable distance and the general character of those lands favor this presumption, or should there be a depression to the amount of twenty-five feet from their border to their centre, which is rather improbable, there will still remain fifty-five feet fall to reclaim them by drainage.

If properly drained, these lands could be applied to the culture of rice or other vegetable productions, and judging from the character of the soils immediately about them, they would prove highly prolific. And here in passing I will mention one incident in relation to the capacity of the soil for production, that may prove not only interesting but useful, in illustration of erroneous opinions heretofore expressed relative to lands on the San Joaquin Valley, and which perhaps has exerted as great an influence in preventing the permanent settlement of these plains as perhaps anything that has been urged against them. Toward the foot-hills of the mountains to the west, is a low table of the valley apparently destitute of water, either for the support of vegetation or animal life, in some parts this land has a slight gravelly appearance, but this is not general: on one ranch situated on this plateau there has been two full crops of barley harvested from the same piece of ground, and when I visited this place in October the third crop was then being har-

rowed in; the whole having occurred within the term of *two hundr d and seventy-three days.*

As soon as this fact became known, settlers were soon found to be on their way thither, and at that time there was not a farm to be found vacant for a considerable distance around. There is no reason for the supposition that land on the west side of the river and toward the mountains is unsuited for cultivation, for the fact before us is a sufficient proof to the contrary.

Having noticed the more general characteristics of the geology of that part of the country embraced in the examinations of the past season, and also their more general adaptation to the industrial departments of agriculture, it now remains to speak of their resources and the uses to which they may be applied.

MINERAL RESOURCES OF THE COAST MOUNTAINS.

The minerals of these mountains are widely dispersed throughout their entire extent; they consist principally of copper, iron, lead, silver, gold, nickel, and antimony, with agates, calcedony, and many others too numerous to mention here, but will be found under their proper head.

The metallic minerals are widely distributed; the ores of copper are found in the form of carbonate, sulphuret, and silicate, among the Santa Cruz Mountains; in the vicinity of Rincon Point, south of San Francisco, it is found sparingly disseminated among the trap and metamorphosed rocks of that section. In the mountains, south of Monterey, it is also found over a limited area, and again in the lower hills on the east side of the Salinas Valley, near the Rancho Alisal. At this locality it occurs in an extensive quartz dike that has forced its way through all the other rocks both igneous and sedimentary; the forms in which it appears are the blue and green carbonate, in crystals, the sulphuret, the latter found in small masses detached from the gangue. In the same rocks is to be found considerable quantities of iron pyrites, generally disseminated and containing a small quantity of gold. The above ores of copper are often met with in these mountains, their occurrence over so wide a range and the trapean rocks with which they are so often associated leads to the belief that at a future day they may be found in sufficient quantity to be profitably worked.

Silver.—In the county Monterey, this metal occurs in the form of argentiferous galena (or lead and silver) this mineral is found in the primitive and transition limestone abounding in this section; it is found in small veins and disseminated; the range in which it occurs, extends from the Gabilan Peak to the Chapedero on the south, a distance of twelve miles inclusive. The limestone in which it is found, and the granitic rocks adjoining have been disturbed by the intrusion of trapean rocks to the east, and from the opportunity that was offered for its examination it dips under the valley of the west at a considerable angle. A cross-cut has been driven from the west side of the hill for the purpose of intersecting the line of the view, but was abandoned before

reaching the limestone. A shaft has also been sunk on the vein to the depth of fifty-five feet, and at the bottom the granite had been reached, an opportunity was presented in the level from the bottom of the shaft to make an examination on its line of strike, and from all that could be seen, as there had been much caving in of the walls) it is evident that the metalic vein is confined to the calcareous rock, as no vestige of it was to be found in any part of the granite below it.

At one point the decomposed vein showed a power of four or five inches for two feet in depth, this was followed down to the granite, and at its junction ; I traces of the vein ceased to exist. It is not improbable that a well defined vein may be found under the valley, but it will require much exploration and expenditure of capital to determine that point, as mining operations cannot be entered upon with small means and ultimate prospects of success.

Traces of this mineral are to be met with for several miles north and south of this locality, and its distribution over so wide a range of country induces a belief that a profitable vein may yet be found in these mountains.

IRON.—This metal is found in almost every variety of form, from one end of the Coast Mountains to the other, the prevailing mineral however, is the peroxide and protoxide of this metal; the latter is often found in the form of hydrate, and when occuring in proximity to serpentine rocks often found to be more or less auriferous. This mineral is largely developed in some parts of the auriferous district of Mariposa county, and from one of the most valuable receptacles of gold among the gold-bearing rocks of that section.

SULPHATE IRON.—This article known in commerce under the name of "Copperas," is found native in large quantities near the town of Santa Cruz. Its principle had occurred a short distance west of the house of Mr. Meder in a gulch running from the mountains through the low hills to the coast. I followed the course of the ravine from where it enters the high hill near the crossing of the road north-west of the town to near the sea, the average depth of its banks varies from fifteen to thirty feet, its length from the hill to the coast being about two miles.

The copperas formed an efflorescence on the sides and bottom of the ravine covering entirely the earth and stones, on which a great quantity had crystalized; it was not difficult to scoop up a pound or more, at any one of these places; the banks of the ravine above the water were covered with the effloresced salt to such a thickness that a white and green color was given for several yards in length, the ground being entirely obscured. The depth of the earth that was thoroughly impregnated with the salt, would average ten feet for the whole length of the ravine the depth to which this descends below the surface is unknown, but it is probably considerable; the rocks at the bottom are a micaceous schist and were broken into for two or three feet and at that depth seemed as strongly charged with the ferruginous salt as at the surface. A small stream of water runs through the gulch which is permanent throughout the year, and carries a sufficient quantity to answer all the purposes of

an extensive manufacture of this article for commerce. It would be difficult to find a loccality that combines the same advantages that this does for the manufacture of sulphate of iron; all that is necessary to be done has been performed by nature, and to extract the salt it is only necessary to erect vats upon the coast and shovel the earth, to be leached, directly into them. An area of several square miles is highly charged with the mineral and the day is not f distant when Santa Cruz will become as celebrated for the manufacture of this article as it has been heretofore for its vegetable productions.

Magnetic Iron.—At the distance of two miles north-west of the above locality, an extensive bed of magnetic iron occurs, running down to the coast, at which point it crops out and exhibits a depth of several feet. Toward the mountains I have been informed that it again shows itself above the surface in several places; there is every reason to believe that it underlies an extensive district, as much difficulty has been experienced in obtaining correct courses by the compass; in one instance the needle was deflected to thirty-one degrees on approaching its southern edge.

Gypsum.—Sulphate of lime is reported to abound in the northern part of Santa Cruz, and in the vicinity of the Palo de los Yeska, some six miles from the Mission; it was frequently spoken of by the inhabitants of this place but I was unable to learn its precise locality. It is not improbable that it does abound in this vicinity, as ample material for its formation exists in this section of country. An extensive bed of mountain limestone occurs in close proximity to the native sulphate of iron alluded to in the former paragraph.

Cinnabar—Has also been reported to have occurred in this vicinity. I found one small piece east of the San Lorenzo on the side of a hill, but it is not impossible that it might have been carried there by human means, as no other mineral of the same character was observed; the occurrence of small detached pieces of cinnabar in these places is not sufficient evidence to found a belief that it occurs in situ, or that a deposit may occur there.

Nikel.—The ores of this metal are found from Contra Costa on the north to the utmost southern limit reached in the Coast Mountains. It occurs in the primitive rocks, associated with chronic iron in almost every case where the latter may be obtained. It appears as a bright green mineral on the fractured surface of the other ores, and is known in technical language as "nicked green." The scarcity of this metal renders the discovery of its ores in this country an object of some importance, and its wide distribution leads to the belief that it exists in sufficient quantities to warrant investment for its extraction from other ores, at no distant day. It is extensively used in the manufacture of German Silver for wares and household utensils. When reduced, the metal is white, much resembling silver in in its general appearance, and for which it has been mistaken in this country. The principal localities where it has been observed this season are at Contra Costa, in the ser-

pentine rocks south of Tulecita and near San Antonia in the county Monterey, among the large beds of chromic iron from the San Benito, and the Panoches, of the Gabilan range. These localities afford the largest amounts yet found in this State, and it is to be hoped that those explorations which are now in progress in this part of the country may result in the development of this mineral to a much greater extent than yet known.

GOLD.—This metal has been found in the Coast Mountains, from the County San Francisco on the north to Luis Obispo on the south. The slates and serpentine formations which have been noticed in the preceding pages of this report are found to be receptacles of gold here as in the Sierra Nevada; these rocks are extensive in the Coast Mountains, often comprising an entire ridge for miles, they are usually flanked by the granite. During the past summer, the placers in the County Santa Cruz were much worked; the gold found here was principally on the San Lorenzo and its tributaries; it was fine, and much resembled that found in the Caoti Hill, near Nevada; under the glass it had all the appearance of having suffered but little from attrition by water, the surface of the grains being rough, as though just detached from their original matrix. The slates and serpentine rocks occur on both sides of this creek, with small veins of quartz running through them, and from what we know of auriferous districts of this and other countries, the presumption that gold in *situ* exists here, amounts nearly to a certainty.

On the upper portions of the Carmello, in the county Montery, gold is also found, in the immediate vicinity of the Rancho Tulecita. Farther to the southeast, near the head waters of the creek, it is also found on the tributaries of the main stream, that flow from the western ridge of these mountains. On the Francisquito, a tributary of the Carmello, coming from the southwest, and twelve miles from the coast it is also found near the house of Baromdo. Three or four Mexicans were working with the battaya at the time I passed that ranche. The serpentine rocks are largely developed on the east flanks of the granite ridges, and from their course they may be considered as forming the northern part of a series which occurs at the Mission San Antonio fifty miles south.

I was informed by Mr. Meadows, who has traversed the interior of these mountains probably more than any other man in this part of the country, that the same class of rocks are found throughout the distance inclusive between the Carmello and the above Mission. Near San Antonio there were several persons at work during the past summer, in the placers in this vicinity. This was no new discovery, for the existence of gold at this locality has been known since 1850. Those at work at this place were mostly Mexicans, and while traveling on the Salinas I frequently met companies of five or six, with their camp material and tools, wending their way to this section.

On the Pescadero Creek, a tributary of the Pajaro River, gold was found during the past summer; it was first observed a short distance above the bituminous springs lying on the north bank of this stream; the serpentine rocks abound in this vicinity, and also some of its subordinate members; at this place the Magnesian Group of the Santa Cruz Mountains, which run north into San Francisco, have their southern terminus.

On the Rancho La Brue, near the Pescadero, and into the very edge of the Valley Santa Clara the talcose series and gold is found; on crossing the Pajaro, these rocks and with them the gold closes; not a trace of this metal, or rock that would indicate its existence was to be found in any of the hills east of the Gabilan.

The district of country in the Coast Mountains in which the auriferous deposits are now known to occur is about eighty miles in length, and thus far is confined to the counties of Santa Clara, Monterey and the north part of Luis Obispo. This is a material addition to the already known area in which this metal is found, and its location in what has heretofore been considered the agricultural districts of the State, will in time exert a beneficial influence in the permanent settlement of those sections.

Antimony.—The common sulphuret of this metal is very abundant in the Monte Diablo Range; at Mount Oso it is found in large masses, also at various other points throughout these mountains; it occurs in considerable quantities in some parts of the County of Santa Barbara. This mineral is deserving of attention as it often contains a notable quantity of silver, though as yet no specimens which have been found in this country contain a large per centage of this metal. That variety of the antimonial ores which is argentiferous, has a lively steel-gray color, cuts easily with the knife and is brittle, while the common gray antimony, which is the principal yet found, has a lead-gray color, its fractured surface, easily tarnishes and scales of the mineral are slightly flexible.

Bitumen.—Bituminous springs abound through the Coast Mountains, and in some places is much used in the construction of buildings, and walks in front of buildings; for the latter purposes it is admirably adapted in situations where the sun will not have too powerful an effect upon it, as in such cases it is apt to become soft. In the counties of Santa Clara, Santa Cruz and Monterey, several of these springs occur, and further south are found more abundant. Information has been received of an extensive deposit of bitumen in Contra Costa, some six miles from the shores of the bay, but at what point I have as yet been unable to learn. This article has been used of late in the manufacture of gas, for illumination, and it possesses some advantages over the common oil or resin gas in general use; a sufficient quantity for the illumination of the country may be easily obtained and at low rates when required for this purpose.

Cinnabar.—This mineral is well known, and the principal mine now opened in this country is at New Almaden in the County of Santa Clara and situated twelve miles from San José. The town of Almaden is situated four hundred and eighty feet above the sea and the mine is eight hundred and sixty feet above the town, making the elevation of the mine thirteen hundred forty-five above tide level. The ore at this mine is found in bunches or deposits in a clay highly charged with peroxide iron. The cinnabar contains considerable arsenic generally disseminated through the ore, small veins of calcareous spar are found running

through the mineral giving it at times a fanciful appearance. The magnesian rocks are largely developed in this section, both at the mine and in the mountains to the south-west. The rocks in the immediate vicinity of the mine are talcose in their character, much decomposed and broken up; at the base of the hill on which the mine is located there is to be found native magnesia on the surfaces of the rocks.

The deposit of ore at this locality is very large, and will require many years to exhaust it. As the mine consists of deposits simply, there is no certainty of its continuance beyond the surface that may be exposed: it has been supposed generally that the ores of this mine occurred in the form of veins, but such is not the fact, and so far as I could learn from the superintendents at the mine, no well defined vein had been found since its opening. The principal adit of the mine is one thousand feet in length, and at the end of this a body of ore fifteen feet square had been exposed in one place; other similar masses, and even larger ones, were laid bare in different parts of the mine. An inclined winze had been driven to the depth of about one hundred feet below the level of the adit, at the bottom of which immense bodies of ore had been found. From the quantity of ore on hand, and that exposed in the mine, the prospects of the company are highly flattering for a handsome return for the heavy outlays of capital which have heretofore been made. At the date of my visit, the company were erecting twelve new furnaces in addition to those already in operation, having a capacity for working of twelve thousand pounds per week each, with an abundance of ore in the hacienda for their supply. The construction of their adit and the interior of the mine, with their reduction works, are of a character for permanency, workmanship and scientific skill to be found only among large mining operations. The ease and regularity with which everything connected with the mine argues well for its administrador, and exhibits a thorough understanding of the requisites necessary to insure success in extensive operations.

A better regulated, or more systematic method of mining, is not to be found in this or any other country, and is well worthy a visit from any who may wish to obtain an idea of what practical mining is in a large way. At the distance of three miles, another mine of the same character has been opened, but is not in operation at present, this latter is called the Guadulupe; it has not proved extensive up to the present time.

In the lists of minerals, appended to this report, will be found more specific detail respecting their distribution among the rocks of the coast mountains. A description of the fossils will also accompany the latter, as far as the nature of circumstances will permit. The scarcity of books of reference in this country, at the present time, will render it impossible to define all the species that have been secured the past season; the genera will be nearly complete, and in the course of the ensuing season, the species of those genera will be described, as ample works for that purpose will be at hand within that time: there appears to be many that are undescribed in any of the works on hand at present.

MINERAL DISTRICT.

After completing the examination of the coast mountains within the parallels alluded to, a visit was made to the mineral districts, embracing parts of the counties Nevada, Placer, El Dorado, and Calaveras, the object of which, was to connect a line of travel commenced in May and June last, in the counties of Butte, Yuba, and Sierra; and to obtain, if possible, some information respecting the general character of placer and quartz mining at the present time, compared with its earlier prospects.

Two years having elapsed since I had visited this section of the country, and having in my possession the original notes of travel and maps made at that time, with a general acquaintance of their former condition, it was deemed advisable to make this particular examination, in order to form some estimate on their future prospects.

With this view, the more central portions of the mining districts were selected, as these may be considered a fair example of the extremes, and from the lateness of the season and distance were more accessible.

PLACER MINING.

The extensive excavations, which have been made within the last two years, in this branch of mining has afforded an opportunity of examining the different mountain formations not heretofore obtained, and has been the means of eliciting much valuable and interesting information, relative to the early condition and mutations, which have taken place in the superficial coverings of our hills. The rapid progress of advancement in the methods of conducting mining operations in this branch particularly, has opened a door for scientific research, which it seems impossible to have accomplished in so short a period as that in which they have been occupied; they have the appearance of having been in operation for half a century rather than the short space of *four years*.

It is now ascertained to a certainty that the placer ranges extend to the east, within ten or fifteen miles of the "summit ridge" so called of the Sierra Nevada; and the condition in which it is found at these points are similar in all respects to that in the older or more western sections, with perhaps one exception, and that the relative age of both. There are evidences which clearly indicate a deposit of gold older than the diluvial drift of the lower or western diggings, (which latter is often confounded with the drift deposits of the tertiary periods in this country) the character of which differs in almost every respect from any other deposit yet observed in this country, except in this particular range.*

Its direction has been traced for about seventy miles, and is found to extend through the counties of Butte, the eastern part of Yuba, Sierra, Nevada, Placer, and El Dorado; it appears to have an average breadth

* This deposit appears to hold a position and age below the tertiaries, and may be considered intermediate between the latter and the primative formations in this State, its fossils differ from any thus far found in any formation within the State, and I am disposed to refer it to the Brandan group of Vermont, discovered by Prof. Hichcock, vide Sillman's Journal of Science.

of about four miles, with an elevation of four thousand feet above the sea for the greatest part of its length.

From the examinations that were made upon this range, there are abundant evidences that an ancient stream flowed through this section of the country, and in a direction parallel with its then existing mountain ridges, and the extensive mining operations conducted in the south-east part of Sierra county on this range, has been the means of demonstrating this fact, which had heretofore been strongly suspected only. The outliers of its banks are very definitely marked throughout the entire length of the formation under consideration, and its former bed filled in many places with a volcanic sand and ashes, which probably accompanied its displacement.

In the county Sierra these peculiarities are best observed: in the vicinity, and for ten miles west of Downieville, the hills are covered with a volcanic breccia and tufa, which may be conveniently studied between the Negro Tent and Galloway's Ranch, also on all the hills and ravines surrounding Yumanna on Oregon Creek. On the creek the tufaceous deposit is found to the depth of sixty feet.

The exact point from which these immense quantities of volcanic materials were ejected, is somewhat obscure; yet there are reasons for the supposition that they had their origin in the truncated cones which lie a few miles to the north-east, and of which the Pilot Peak forms one of the principal points or centres of this rugged and forbidding district. This presumption is based on the grounds that between Pilot Peak and Yumana there are ample evidences of a direct connection with these larger centres of disturbance; an extensive dike of black scoriaceous and vesicular lava is traceable throughout the entire distance between Yumana and the Pilot Peak, passing through the hill north-west of Downieville, and within two hundred yards of the town, it crosses the river at this point and appears at Durgan's Flat on the opposite side of the stream, from thence it is again met near Galloway's Ranch, and continues from there to the high bluff which overhangs the town of Yumana, on Oregon Creek. There are no other true volcanic cones in this section that would seem commensurate with so large a scale of operations, except those above noted, though the minor peaks undoubtedly added much to the general result.

The displacement of this ancient stream and the subsequent filling of its bed has opened a new and rich field for scientific research in this State, but its more direct and economical bearings are that it affords an equally new and extensive field for the operations of the placer miner, and that thus far has proved itself equal to that of any range yet discovered in this country. Besides being equally abundant in its produce of gold as far as opened, with the best placers of the State, it possesses the advantage of being the most extensive of any one system which has yet been found. The peculiarities which characterize this formation and which distinguishes it from all others in the State, are the following:—the boulders found throughout its entire extent are very uniform in their characters, and are composed of quartz exclusively, (or nearly so) this has a bluish-watery color in the mass, highly translucent and vitreous when fractured, constituting ninety-seven per cent. of all the stones found in the deeper diggings, they are invested by a dull but deep blue earthy

material highly charged with pyrites, which in most cases is as firm as the rocks themselves, making it extremely laborious and difficult in driving shafts or adits. The gold is contained in this matrix for a distance of six or eight feet above the "bed-rock," and resting directly on the latter, it is coarse and generally rough, and its external appearance is that of a poor quality, though it assays high and brings the first prices; its pale and dirty appearance is due to a small quantity of arsenical pyrites which adheres to its surface and which is found in considerable quantities in the matrix containing the gold.

The underlying rocks are serpentine and talcose slates; on Oregon Creek they are found to contain small veins of mundic (arsenical pyrites) one or two inches in thickness, this has a clear and lively grayish-white color, when recently fractured, but soon tarnishes on exposure, becoming a dirty lead gray, and even quite dark; this mineral is rich in gold, it is difficult to find a small piece that does not present this metal to the naked eye on some part of its surface.

The mineral was first observed in the Johnson Shaft, half a mile north of the town of Yumanna, and occurs at a depth of fifty feet below the level of the creek, at the edge of which the shaft was driven, the strike of these veins was north-west by west, and is found on both sides of the stream on that line. There were four other shafts in this vicinity in which the mundic was found under the same circumstances; and there can be scarcely a question but that it exists in true veins among the serpentine rocks throughout this part of the country. These veins have been found to penetrate the rocks in which they occur to the depth of six feet from the surface, and should it ultimately be found that the area is in any way considerable through which they run, they offer sufficient inducement to erect works for the reduction of this ore.

The blue color of the drift in this range has been found to pervade all parts of this peculiar deposit wherever it occurs, its boulders maintain their character and per centage, its extent over so large a district, its dissimilarity in these respects with all other placers yet known, has suggested the propriety of adopting a name which shall at once seperate it from other sections, in order to designate more particularly its course and extent in the future; by this means we shall in a short time be able to acquire additional information relative to its extent that we do not now possess, and as its developements at the present time are of so flattering a nature, that any information of its present undiscovered boundaries, would add but another link to the great chain of our mineral resources, equally as important and productive as the best now known.

I would, therefore, suggest, that the term "*Eastern Blue Range*," be applied to this district; this will separate it from those lower down having the same color, but not possessing any one of its other peculiarities.

To define more particularly the position of this formation, both geographically and geologically, we will follow more particularly the outline of the ancient stream, and some few of the localities now situated upon it. On the south fork of Feather River, opposite to Sailor Bar, and east of this locality for three miles it is found in the form of small flats on the sides of hills declining to the east; passing to the south, it is met with a short distance from Goodyear's Bar, again at Yumanna, on Oregon Creek, still farther south at Minesota, at Chipseg's, Smith's and

Kanaka Flats; crossing the Middle Yuba, it is found at Orleans Flat, Moore's Flat, New Flats, thence across the south Yuba, by the towns of Eureka, Washington, and Poor Man's Creek, and at Mule Springs. This vicinity has presented an area of nine miles in which this formation has been found. Crossing Bear River, it is again met at each side of the American Forks, and is particularly well developed in the vicinity of Sarahsville, extending from thence to Georgetown. South of this, but very little is known of its location.

Within the extremes of north and south named above, the banks of an ancient stream are distinctly marked out, and can be as easily traced as if the waters were still flowing in their original bed. It must have existed at a date when the adjacent country maintained a much less elevation than that now existing; this is proven from the fact that, even at this time a terraced form is observable in many places, in each of which the same peculiarities abound. The organic matters deposited are perfect in their forms, the most delicate parts of leaves are truthfully preserved to nature; the material in which they are imbedded is that usually found suspended in waters that were but slightly disturbed, and when disintegrated yields an almost impalpable powder—not a pebble, nor even coarse sand is to be found in any part of it. In fact every feature that would indicate a quiet state of waters is fulfilled in the section under consideration. Had it been otherwise, the leaves and other tender parts of plants would have exhibited a different appearance from that they now present.

The remains of plants found in these localities are extinct on this part of the coast at the present date, the fruit, leaf, and structure of the sap-vessels, differ from those of every other section of the country, either fossil or living. I have been enabled to obtain six varieties of leaves, and two varieties of fruits, which will be described as soon as opportunity shall offer. The depth at which these specimens were obtained from the surface was one hundred seventy feet, and near the end of an adit whose length was five hundred eighty feet, the principal bed was found in the Arcana Tunnel, at the town of Minesota.

The position of this formation has been stated in the preceding pages, to be below the tertiary groups and diluvial drift of the other placers. It will be unnecessary to roam over the entire State to illustrate or prove this point, as we have an adjacent district where both may be studied with ease and facility in an hour's ride between them. This locality is found at Chipseg's and Smith's Flats, about midway between Minesota and Oregon Creek. The different formations will be given as they occur at Smith's Flat and Minesota, which will fully illustrate the existing differences.

At Minesota we find the following in the descending order: First, volcanic tufa; second, diluvial drift, containing no gold and having a depth of seventy feet; below this is found a bed of clay and imperfectly formed slates beneath which a boulder formation of thirty-eight feet composed almost exclusively of quartz; succeeding this the formation in question, containing the silicified woods, and leaves and fruits, the latter in the form of lignites, and in abundance. Following a direct line from this locality to Smith's Flat and at the distance of half a mile from the latter we meet an outcrop of the slates, above these slates the drift

and gold of this latter locality is found, and contains petrifactions of present existing species of plants and trees, which still flourish in the adjoining neighborhood; among these the pine and oak are very prominent. The structure of these silicified woods are as perfectly delineated as in the trees of similar character growing above them. The drift deposit at this locality is composed of every variety of rock found in the adjoining countries, being composed of trap, granite, porphyries and quartz, forming no well defined order of position.

The drift deposit of Minesota being almost exclusively of quartz, such as has been described as occuring at Yumanna, forms a wide contrast with the above, and beneath the boulder formation the lignites, consisting of six species none of which are identical with any living species, or with the deposits of the section north of this locality. It will be seen from the peculiarities thus briefly enumerated in relation to the main features of both deposits, the widely dissimilar character of the minerals composing both, their relative position, and the difference in the organic deposits found in both, there is sufficient reason for assigning to each a different age.

How correct this conclusion may be, it yet remains to be proved, if additional testimony is required; and this can only be known when this particular section shall have been more fully explored. Certain it is, however, that its present appearance favors this classification; and should it prove as productive in its auriferous deposits as the partial explorations upon it now indicate, the amount of gold which it capable of producing would be unequalled in any district heretofore or at present known. There is not an instance known, where the lead in this range has been found, but that large sums of gold have been the result; this might be saying more, perhaps, than prudence would dictate, but such are the facts in the case, let opinion be what they may.

QUARTZ MINING.

For two years past this branch of industry has engrossed much of public attention, and speculation on the future success and prospects of these mines has been as diversified and fluctuating as upon any subject ever presented to public consideration; this has resulted from an incorrect appreciation of their intrinsic value, and want of information respecting their position, geologically considered, coupled with disappointments resulting in too high anticipations of abundant products from these sources in too short periods of time; the hasty and inconsiderate manner in which persons entered into these speculations in the country heretofore, and the natural results which must necessarily flow from such a course of action, has had the effect to cast a shadow of doubt for the time being, on the future prospects of these sources of wealth, while the pecuniary losses that followed in the the train of these causes were construed by alarmists abroad as indexes of certain failure, and thus rendered the doubt that existed an *apparent* certainty.

All this however, has had a beneficial effect in its ultimate results, by checking that abnormal cause of action incident to the first outbreak of all speculative movements of this kind. Had that cool discretion and

judgment which has marked the subsequent career of these undertakings—that firm determination to surmount all natural obstacles and test the truth or falsity of the claim advanced of the value of these veins, been practiced in the earlier stages of quartz mining, we should have been spared the disagreeable task of chronicling adversity and *pseudo-failures* in a legitimate and profitable branch of employment, thus saving this one of the grand levers of our commercial prosperity the odium that has heretofore attached to it and is still persistent in the minds of some abroad.

Aided by the discrepant and in many cases malicious reports from our own hills, the *savans* of the Atlantic States and Europe reiterated the howl, and the public of those distant shores were nightly harrangued in the lecture-room, and popular assemblies, on the utter *impossibility of the auriferous veins of this country proving to be more than a more ephemeral show*, and unworthy the confidence of reflecting minds. Their gratuitous expressions and unfavorable opinions, are now proved from the subsequent explorations which have been conducted on these veins, to be equally unfounded as were the arguments made use of by these men to convince their listening audiences of the *supposed facts* they so learnedly put forth; and our citizens engaged in these pursuits of industry have labored on, temporarily affected only by the confusion of opinions and anathemas issued from the portals of science, against this great interest of the State, and have borne the testimony triumphantly to the world that science unattended by personal experience will render him who uses it far more notorious than popular or reliable.

Notwitstanding the disadvantages of a manufactured public opinion with which this branch of industry has been obliged to contend, and the serious obstacles which have thus been presented to its progress, it has now become one of the permanent employments of the State, and should it meet with no other impediments than those which are the resultants of nature, it will obtain a position second to none, within the next two years.

The permanency of their character would scarcely have been demonstrated in the short period of time in which it has occurred, in any other country or State except this, and is in true keeping with the firmness of purpose manifested in every great undertaking by the citizens of this State, and is but another mark of that indomitable perseverance in overcoming difficulties either natural or artificial, that stand in the path of their advancement, for which they have become peculiarly characterized and proverbial.

The popular belief that the gold mines of this State, and the operations conducted upon them heretofore has been suspended, with the exception perhaps of a few isolated cases scattered through the country, and that they hold but a forced existence for speculative puposes, designed ultimately to be the means of conducting swindling operations on a large scale abroad, is as base as it is unfounded; those feelings and ideas find a haven in the breasts of a few only, who from their position commercially have been the means of propagating this erroneous and unjust opinion in relation to this subject. The embittered feelings of such persons, which have had their origin in disappointed hopes arising from too hasty conclusions respecting the productiveness of those oper-

ations in which they were individually interested, and which in nearly every case was caused by inadequacy of means and mismanagement of their operations, is no criterion whereby to form an opinion that would be just or reasonable, with reference to these metallic veins, and those in this country who would still propagate those opinions, do so in the face of every evidence to the contrary which reason or sober judgment would demand or can be found in this or any other country.

With these preliminary remarks on the general impressions at home and abroad, respecting their *theoretic* value, founded as they are on presumption rather than evidence, we shall proceed to consider the geological position which the quartz veins of this State hold to the rocks with which they are found in connection, hoping thereby to elucidate more clearly their present as well as prospective value.

QUARTZ VEINS AND THEIR RELATIVE AGES IN CALIFORNIA.

The quartz veins of this State are found distributed in nearly parallel lines throughout the west flank of the Sierra Nevada, and consist of three distinct lines separated by intervals ranging from four to eleven miles; as these divisions are found in nature they constitute what may be denominated the principal or main ranges. Between these are to be found smaller lines of these rocks at times running parallel with the former, at others having strikes more or less oblique, and even at right angles in some instances with the principal veins.

From the peculiar distribution of these rocks, as relates to their connection and position with the formations in which they are found, it would be difficult to refer them all to the same age; this would be manifest only by observing the different sections in which they occur. They will therefore be designated in this report as the *Older* and *Recent* groups, in order to better describe the peculiarities that may be found in both, and with reference also to the age of the rocks which they have been the apparent cause of disturbing.

OLDER GROUP.

The eastern and also a part of what may be termed the central line of dikes are included under this head. This group is found to have intruded itself through the primitive formations only, or through the trapean rocks which immediately succeed the primitive. The principal rocks which appear to have suffered the greatest amount of local disturbance and dislocation from these quartz veins, have been the granite serpentine and the earlier trapean rocks, which appear to under-lie both the former. The veins or dikes that occur in the primitive series are usually much more massive than those of a later period, and are not distributed over so wide an area, or possess so great a number of lateral veins, or cross-courses incident to the more recent group of these rocks.

The mineral characteristics of the Older Group are more uniform and regular so far as known, and are found to possess a firmness of

texture, where they enter the greenstone, much greater than those of recent date. It is seldom found that this suite of veins has cut through or in any way disturbed the slates which rest on the granite, even when the latter are in the immediate neighborhood; less rare is it to find them cut through by the older group: that in a line of travel over two hundred miles in length that I have seen but two instances in the eastern range of veins, and it is even questionable whether this dike belonged strictly to the older group.

The effect of these veins on the rocks which they pass through, has been to disorganize their structure to a considerable extent, which has rendered the decomposition of both more rapid and complete, hence it frequently happens that rich deposits of metal are found in such places, and usually occur near the point of contact of both series of rocks. The older group is found to extend from near the summit ridge of the mountains to a distance of about forty miles toward the west, and constitute nearly six-eighths (6-8) of all the veins found within this line of distance, and on these are located the greatest proportion of all the mines at present in operation.

In that portion of the country lying north of the Cosumnes River and ranging thirty miles east of the Valley Sacramento, the central line of dikes belonging to the older group, are found, their western edge passes through the counties of El Dorado, Placer, Nevada, Butte and Shasta, and as far north as the Mt. Shasta hills to the east of the peak. It is well developed in the counties of El Dorado, Placer and Nevada, and in one locality in the county of Yuba, a short distance above Scott's Ferry. In these latter counties the more recent group is also found, and in the county of Nevada it is seen to have disturbed the older groups in some localities, and in Placer county, where both have features in common which will be noticed more particularly when treating of the Recent group.

To localize the upper and older group of these veins, a few localities will be given for the purpose of familiarizing their geographical positions; in Nevada county it is met with at the National vein, also at German Bar, at the Ariel Mine in Sierra county, and the Jamison Creek mines in Butte county; on the American forks at the Volcano mine, El Dorado county; Leake Vein, Calaveras county; Big Oak Flat, and Marble Springs, Tuolumne county.

These localities are situated far into the mountains, and are situated on the eastern part of this line of dikes, and upon those parts of it where it is most largely developed, becoming an extended and well defined continuous range.

Returning to the middle or central range of dikes, at the distance of thirty miles from the valley, and travelling south we find that immediately after crossing the Consumnes, the granitic rocks that have heretofore been found associated with this range of veins further north begin to disappear in a gradual manner, and the prevailing rocks are talcose, to the exclusion of almost every other of the primitive series: for a distance of about fifty miles, the quartz is found associated with this or some of its subordinate members, the granitic rocks lying far to the east. The quartz vein found among the talcose series and which appear of the same age as those occurring in the granite, are equally uniform in the general

characteristics they present, so far as relates to their mineral constituents, but there is one remarkable feature attending them here (as also to the north in a few instances,) which is not common to the granitic associations of these rocks, viz: the depth to which the vein is decomposed from the surface down, will not exceed more than one-fourth that which will be found where the inverting rock is of the granitic series. This peculiar feature is very striking in passing from a "sett" situated in the latter to one located in the former, and will be found to hold good even in the same neighborhood.

One other feature is equally apparent, and at the same time important in connection with this, which is, that while those veins present the contrast above noted, the "setts" occuring in the serpentive series which have been unaffected by the cause producing such extensive decomposition as is found among the granite rocks, do not possess a texture so firm and coherent as the veins found in the northern sections, such veins will be worked with a less amount of labor and capital producing an equal amount of ore.

There is nothing to distinguish the veins of this section from being of the same age with those at the north, and running through a similar range of country, like the veing of the granitic series they do not appear to have disturbed the more recent formation of the tertiaries, but are confined exclusively to the primitive rocks. Following a line west toward the valleys, the occurrence of a more recent group becomes manifest, and is unquestionably the equivalent of that alluded to as occurring throughout the northern counties.

RECENT GROUP.

This group of these rocks is found extending from the lowest foot-hills on the east border of the valley, where the first outcrop of the slates are met, to a distance of about eighteen miles to the east, and after is found running into the western edge of the older group; their intrusion appears to have formed one of the principal and later disturbing agents that has been in action in those periods of development of that part of this country, immediately preceding, and continuing into the middle Eocene and Miocene periods of the tertiary era.

Their altitude above the sea is variable, from one hundred to fifteen hundred feet, and some few localities reach the height of two thousand. One of the features, which this group presents, and which distinguishes it from those of the older group is, that they have cut through and disturbed not only the primitive formations, but every other formation found resting upon them, this occurs in almost every case in which these rocks are found. A dike of this age is often found protruding through the granite or some other member of the primitive series, and may be traced frequently for one or two miles before any member of the sedimentry rocks are met with; in this case, the latter rocks will be found more or less disturbed at the point of contact with the vein, and it will often be found that its passage from the granite beneath into the slates above is perfect, traversing the overlying rock through a great part of its length, and sending out cross courses in every direction. A di-s

turbed position is not the only change observable in these cases; structural change is as often the result of the intrusion among the slates as the appearance of the veins themselves. The above peculiarities in relation to these views are observable in every part of the lower mining districts, and an erroneous opinion in regard to the age of the dike under examination may easily occur as the part under our observation may be situated either in the primitive or sedimentary rocks.

A dike of this character occurs in the town of Centreville, Placer County, and extends in a northerly direction for one and a half miles through granite, when it enters the slates, passing entirely through their length and again appearing in granite at their northern extremity; another instance of a similar character is met with on Deer Creek, two miles below Nevada; here the dike passes through the trap, granite and slate, and also at Newtown in the same county. Still further north, in the County of Yuba, a vein cuts both the granite and slate, as in the vicinity of Brown's Valley, and again on Dry Creek; in many other localities throughout this range of country, the same features are to be found, and our opinion on the comparative ages of these veins, can be correctly founded only by a careful examination of the entire length of the vein.

On the same range of hills, this group is continued south as far as the Tuolumne River, and includes the district on which some of the principal companies of the southern counties are located. It frequently happens that the veins of this group are composed of a perfect *net-work* of small threads and veins, varying in power from one inch to one foot. This peculiarity is admirably exemplified at Angel's Camp in Calaveras County, at this locality and for miles around these small "*hilos*," constitute a large part of the rich veins of this section, while at the distance of four miles to the south, it again appears as a mammoth dike, popularly known as the "Great Carson Hill Vein," which extends southerly to the Stanislaus River.

From this point a line of large dikes interrupted at intervals continue in a southeast direction for sixty miles, passing through Campo Seco, Coulterville, Bear Valley, and thence to Mt. Ophir; throughout this entire distance they are found to cut through all other volcanic rocks, with perhaps one or two exceptions; the basaltic rocks in some parts of the southern counties bear evidence of displacement by these intrusions, and I know of but two cases in which the latter intrusions have *thrown* these veins, and in these cases it is not yet fully determined whether this be the fact. It is on the west flanks of the hills in which the dikes of the recent group of quartz appears, that the features which mark their age are more particularly noticeable; here the slates (and in the foothills, the sandstone) present all the varied changes of position and structure, noticed by different writers on the physical features incident to the mountain districts of California—at one time dipping east at another west, and again half inverted, in the multifarious disturbances to which they have been subjected.

The greatest amount of displacement in the sedimentary rocks is always found in the closest proximity to the veins in their immediate vicinity, and although a vertical position only may be given in many instances, yet this is found to become less as you recede from the vein

on either hand transversely to its line of strike; it is not unfrequent that the high angle of dip in the first instance will assume a nearly horizontal position in the distance of a mile from the point of uplift, but the next ridge will present a re-enactment of the first case if the rocks composing it are of the same character.

The vertical position of the slates is one of those peculiar features which attracts the attention of almost every person passing to or from the interior, from their appearance resembling an old church-yard they have been termed the *grave-stone slates*, and this distinctive feature is found to pervail to the lower range of foot-hills toward the valley, as well as in the more elevated parts of the mountains; this verticality among the lower hills has been urged as an objection to the point that the intrusion of the quartz of either group, was not the immediate cause of that uplift, but that the present inclination has been given by causes of a a similar character which have acted subsequent to the intrusion of the quartzose veins.

This proposition seems invalid for this reason: if any such agency as that proposed had been the immediate cause of producing the effects which are observable among the slates of this section and sufficiently powerful to have forced them into the position they now occupy; it seems but reasonable to suppose that some portions of the intrusive materials should make their appearance among them; but this is not the case,nor is it necessary to introduce such a complication in order to explain the physical features which are apparent in these rocks, as we find an agent distributed largely among them, which is fully adequate to induce all the changes of position or structure noticeable.

That we do not find massive outcrops of these dikes among the slates at the edge of the valley, is equally invalid as an objection against their agency in producing the disturbances which are clearly attributable to their intrusion a few miles farther to the east, for an examination will convince the unprejudiced mind that the causes which have been instrumental in tilting the slates from their former position in the interior has extended to the eastern edge of valleys and produced the ruptures we there witness.

In favorable situations for observing the intrusive character of the recent group, as in the canoñs through which flow many of our streams it is there found that the porphiries which lie superior to the primitive rocks, and have had their origin from contact with igneous rocks in an incandescent state, as well also as the trapean rocks adjoining, are broken through the sedimentary rocks above them which are still unchanged.

Another fact of interest, and having an important bearing on this part of our subject is found on the west borders of the great valleys and in the Coast Mountains. From all the testimony in our possession at the present time relative to the sedimentary rocks which dip under the valleys of the Sacramento and San Joaquin, we are induced to believe that those which occur on the east border are of an age cotemporaneous with those on the west, and in addition thereto a group is found which evidently belong to a still later period. We have in these mountains then, a corroborative evidence that the disturbances produced by the

intrusion of igneous rocks with which the quartz is found in connection has occurred during a comparatively recent period.

As these rocks have forced their way to the surface through all the species that lie above them, they can be considered in no other light than having an age posterior to most of the tertiary rocks within the State, or the northern and middle parts of it; and cotemporaneous at least with the lower portion of the miocene period. Under these circumstances it is not to be wondered at that gold may be found in San Francisco or Contra Costa, as the geological formations which have developed it east of the great rivers, are found also in the mountains to the west, though not to the same extent.

The disturbance of the recent sedimentary rocks of the Coast Mountains, and the character of some of the intruded masses that has produced the tilting and dislocations, their identity with the stratified rocks on the eastern border of the great valleys, leads us to the conclusion that the causes of uplift which have been found among the latter, were continued partially to the coast in the same period. With respect to the agents that played an important part in these turbulent periods, there can be but little trouble in their discrimination, and ample testimony is found to identify them with the recent group of igneous rocks under consideration, and if these conclusions are correct, the character for permanency of these veins is beyond all cavil or doubt.

Future investigation may disprove this position, but until it is made evident that the veins of the recent group have been disturbed by other and more recent vulcanic agents on either side of the great rivers, we can regard them in no other view than being among the last of an extensive series of disturbances which have operated principally through a large portion of the west flank of the Sierra Nevada at a comparatively recent period in the geological history of this part of the continent.

The metalliferous character of this group is in no way inferior to that of the older ranges of these rocks: the proof of this rests in the fact, that some of the best placers yet found in this country are included within its boundaries among the alluvium and drift deposits of the tertiary epoch. The gold generally found in these placers is of that character known among the miners as "rough or recent gold," having suffered but little from attrition by water; but it is not unfrequent to find the recent metal associated with that which has been much worn by attrition, and the two qualities thus appearing in the same placer range, can be regarded only as having different origins and ages. It would scarcely appear reasonable to suppose that two pieces of metal driven from the same source and subjected to the same action, should present smooth and rounded surface in the one, while its fellow beside it shall retain all its angularities as though just detached from its original matrix.

With reference to the older group of these veins there are features manifest which are both interesting and important, when we consider the immediate position of the recent group, to those of the older where both are found in contact. It has been remarked in the preceding pages that the veins of the older series have disturbed the greenstone below and the granite above only: a casual examination of the district in which these veins occur, would convey to the observer an idea that a

discrepency in the statements must exist, from the fact that veins which pierce the granite are found to cut the stites also in the same section. As in the case of the Centreville veins, these will be found to belong to the more recent intrusions of these rocks, and wherever those features occur the recent group will be found playing the part of a disturbing agent on the primitive veins themselves and their investing rocks; so far as our experience goes in judging of the effects produced by these recent intrusions, their influence is not an injurious one, for the recent dike has thus far proved equally metalliferous with the primitive setts.

CHARACTER AND POSITIONS OF THE OLDER VEINS BELOW THE SURFACE.

Under this head will be concluded all that we have to say upon the subject of gold mining in this State at the present time, and as the largest proportion of the mines of the State are situated on the older group of the quartz, the remarks that follow will be confined principally to that serries.

In the northern part of the State,* the granite rocks in which these veins are situated upon the surface, have been found to be underlied with another class of igneous rocks, which, from their nature and *presumed* age, it was feared might have so disturbed the "setts" as to render the successful prosecution of mining a doubtful project, and injurious speculation from this fact, have been indulged in to an extent that at one time threatened to destroy the well merited confidence which the discovery of these veins had induced from the outset; and for this reason no little degree of interest has been manifested both at home and abroad in relation to their future prospects.

Had those speculations which have been founded on presumptive evidence only, been confined to the sphere to which it legitimately belonged, and divested of the over-anxious fears expressed and manifested from abroad, the parties most directly interested would have suffered less inconvenience by loss of confidence and credit, which the voluntary conservators of our good in distant lands have been the means of inducing, and the public mind would have been unbiassed but for the opinions of men who should have had more discretion than to have hazarded their reputation on such premature evidences as they must have been possessed of at that time.

It is scarcely a supposable case, that men thousands of miles distant should be found adequate to judge correctly of the value of metaliferous districts, having never seen the sections alluded to, or even before the veins were known by the parties engaged in opening them. Elaborate discussions based upon presumptive analogy, may subserve the purpose of pleasing popular assemblies, but they will be found untenable and useless often, when applied to practiacal and systematic operations.

Mining exploration within the past eighteen months, has added much to our information relative to the position of metallic veins of the State, and the rocks with which they are associated. The granite series has

* North of the Consumnes River.

been closely investigated, and in several of the mines the workings have been carried entirely through this rock, and contrary to the anticipations of the incredulous, the *setts* have not been *thrown* at the point of contact with the inferior rocks. Thus far the depth of the granite series has not been found to exceed a depth of but little more than one hundred feet, and in almost every case where shafts have been driven, either on the vein or beside it, the rock has been found in a highly decomposed state, thus presenting but little difficulty in passing through it. There are, in some localities, many small veins running out at different angles from the principal "setts," into the surrounding granite, and when thus appearing in the inverting rocks, marks of dislocation are observable. These interesting features define most clearly the energy and extent of the supporting and injecting forces from below, at the date of the intrusion of the veins, and the angles which the small cross-courses make with the main "setts" from which they emanate, shows most conclusively that the fracture of the superincumbent rocks must have been extensive. Another and a striking feature is also to be observed in this particular, which is, that the small threads found in the granite have a greater power when they enter the greenstone below; thus indicating that the intrusive dikes spent themselves principally in the superior granite above.

The entire mass of the granitic rocks in the vicinity of the quartz, is of a loose and incoherent texture, from the surface to the lowest point yet reached, and when brought from the greatest depths the same general characteristics are found to prevail throughout. It presents a crumbling, reddish and purple hue, at times faintly spotted with white, its felspathic constituent thus imparting a porphyritic appearance to considerable quantities. When damp it is somewhat clayey, in the dry state, after exposure to the air, it is easilly crushed in the hand, giving the greasy feeling of some of the talcose minerals. These peculiar features may be best examined in and about the towns of Nevada and Grass Valley; for here they extend over several miles, and the extent to which mining operations have been carried in these sections, renders an examination of all the different phases that are presented in this class of veins, both easy and convenient.

Immediately below the granite, the greenstone is found underlying this entire section of country, in every instance in which the granite has been perforated, this rock has been found beneath, and when first met with in descending is much broken up, and the fissures filled with foreign infiltrations from above. The trap rock has a blueish-gray and greenish color, often highly charged with pyrites; the veins on entering this rock change their color from the deep reddish-brown, which they maintain in the granite above, and the cavities filled with the peroxide of iron which has resulted from the decomposition of the pyrites it originally contained, to a clear, white or semi-translucent mineral, holding considerable quantities of cubic and rhombic crystals of pyrites, which are more or less auriferous. In some of the trapean rocks arsenical pyrites is met with, but this latter is much more common in the southern districts, and on the forks of the American River.

In every mine throughout the northern districts, in which the greenstone has been reached, *the veins have penetrated this rock*, and in no one instance thus far is it found that the vein has either been *pinched or faulted*,

but the reverse is true, *that every sett has increased in power the deeper they descend.* Of six companies now in successful operation in Grass Valley, all of them are obtaining their ores from the greenstone, in larger quantity and better quality than was found to be the average in the granite above: on Deer Creek it is the same, and but two mines in this district still continue in the granite, viz:—the Illinois and Gold Tunnel mines, the lower gallery of the latter is within nine feet of the greenstone, with an increasing power in the "sett" at the point of working. In the counties of Butte and Shasta, the same fact prevails, and in each of those mines, which have entered the trap there has been no diminution in the power of the vein or qualities of the ore.

The depth to which some of these veins are found to enter the greenstone has been fifty-five feet, at the present time, and at this depth into this rock they bear all the reasonable evidence of continuing to an unlimited depth, and being of more recent date than their investing series. The greenstone in close proximity to the dikes is found much shattered and disturbed, exhibiting evidences of displacement subsequent to fracture, the inclination of the disturbed masses corresponding to the dip of the vein, the line of fracture form angles of fifty to seventy degrees to the dip of the "sett," and as high as forty in some cases with the horizon; this gives a stratified appearance to these rocks; this peculiar feature is observable at the Osborn Hill Mine, and is indicated by the heavy lines in the sketch of its transverse section. At this mine may also be observed the other peculiarities before noticed, the highly decomposed and broken character of the upper part of the greenstone of seventeen feet below; at the Lafayette and Helvetia Mine, similar features are to be observed of the semi-stratified appearance of the greenstone, caused by the intrusion of the quartz dike through it; the entire length of the adit level of this mine is driven entirely through this rock a distance of about eleven hundred feet.

On Deer Creek, five miles north of Green Valley, we find a material change in the relative position of the metallic veins to the investing rocks, at the Gold Tunnel, as before remarked, the "sett" is exclusively in granite, while at the Wyoming Mine, one and a half miles below, the "sett" is situated in the greenstone inferiorly and the slate above, while in the adjacent mine above the Wyoming, slate and granite in the middle and greenstone below is the order of arrangement. At this mine may be observed one of those interesting features noticed in the concluding paragraphs of the Recent Group, and when we compare the accompanying sketches of the Osborn Hill and Wyoming, a sufficient illustration of the relative ages of the group will appear. The present working "sett" of the latter mine is protruded through the primitive rocks, and also through the slate above them, and from its dip it must pass through older veins at a depth probably not exceeding four hundred feet below their present level. The slate which lies superior in this mine is evidently of the same age as that occurring among the foot-hills toward the valley, and as the sketch of this mine illustrates, the vein passes entirely through them; the dip of this vein is forty-three degrees east, while those of the adjacent mine above varies from thirty-two to thirty-eight degrees. It is not surprising that a recent "sett" in passing through the cross-course of an older vein, or through a part of a primitive vein, should produce

valuable deposits of metal which has taken place in this mine in several instances, and it serves for an illustration of the principle advanced in the preceding pages, that the recent veins were equally metalliferous with those of the primitive series, wherever and whenever found in this State.

From the facts thus far presented to your consideration respecting the known position of these rocks in the northern part of the State, some evidence at least exists, that those veins thus far opened are now proved to have cut through that suite of igneous rocks which heretofore have been supposed would destroy their continuity to any considerable depth below the surface. Already has the establishment of this point exerted an influence which is beginning to be strongly felt, and is restoring that confidence in gold mining which it long since lost. More capital has been invested within the preceding four months in this branch of employment, than in the entire time which has elapsed since the general suspension of these operations. From the developments which have been made relating to the permanency of their character within the past year, individuals are fast becoming satisfied that the metallic veins of this State merit that confidence which is fast returning. If other testimony is required than that already cited of the almost certainty of their continuation to unlimited depths, it will become necessary to search out some other formations than those acknowledged to be the foundation on which rest the superstructure of this teraqueous sphere, for it is evident if facts have any weight, that they have disturbed the lowest of all known rocks.

It may be argued that the shallow depth, fifty feet into the greenstone, is not positive, but that these veins may be faulted by more recent volcanic intrusions below this point. This is possibly true, but at the same time, is there any good reason for such a supposition when no evidence of such disturbances are observable above the surface in their vicinity, and when those intrusive rocks are not to be found to depths of two or three thousand feet below the summits of those ridges on which these mines are located in many instances. There are many deep gorges among our mountains which exhibit the character of the rocks composing them to the depths above named, and on examination of their structure will convince an unbiassed observer of their primitive character. Among these gorges it is not unfrequent to find the quartz veins extending from their bottom to various hights, ranging as high as six hundred feet in every instance in which these veins are met among the rocks in situ. They possess their *greatest power at their lowest point.* In one instance I well remember having traced a dike of this rock from the river to the highth of thirteen hundred feet, a drawing of which is still in my possession: the "sitt" thinned out to small threads at this hight, with a diminishing power from the base of the hill to the summit; this vein passes through greenstone and porphyry, granite and slate, successively, until it finally spent itself among the latter. If intrusive dikes are found to increase in power as their distance below the surface increases, we may reasonably conclude that they may continue to a depth below, equal to that which may be found above, in a case like the last one cited, provided the rocks beneath the lowest point at which it is observable continue of the same character.

Abundant examples of this character are to be met with throughout our mountains, and with such evidence before us, the character of these metallic veins for permanency must be placed beyond suspicion or doubt, and our testimony on this point extends much beyond any that has, as yet, been adduced. In the County of Calaveras, an extensive dike, two miles in length, has been laid open in such a manner that a vertical depth of eight hundred feet of the vein is now exposed to view.

The dike cuts through two ridges, which separate two streams of water, and the companies located on these streams have sunk their shafts to the depth of over one hundred feet, directly under the beds of the creeks, and have driven their gallerys each way untill within a few feet of each other: the vein in one shaft has a power of thirty-seven feet, but in no point on the "sett" is it less than five, in each of the five mines located on this vein, the power of the "sett" has uniformly increased the deeper they have descended. In this case we have a thorough examination of one, at least, of our metallic veins, which will compare with some of the operations in other countries. and we may deduce some safe conclusions respecting their probable stability, if depth below the surface becomes an essential requisite to establiso that point.

The rocks through which these veins pass are principally of the talcose series, with greenstone, hornblende schists, and syenite, in the immediate vicinity; the dikes have cut through all of them in succession without having suffered any deflection from that parallelism which must have ensued, if any of the rocks with which they are found in contact, had an age posterior to the dikes themselves. This district is particularly noticed in connection with this part of our subject, for the purpose of exhibiting the stronger probability of permanency in the quartz veins of this country, for the reason that if disturbance in their position is likely to ensue in any part of this State, it would be likely to occur in these sections, as the effects of recent volcanic action is more prominent throughout the southern portions of the mining districts than any other part of the west flank of the Sierra Nevada.

From what testimony we have in our possession relative to these veins, it seems but reasonable to conclude that their integrity is perfect, or as nearly so as can be reasonably expected considering the short period which has been employed in developing their true character, and that the confidence which they formerly possessed was well grounded; all subsequent examinations have only tended to confirm this belief in the minds of those who have carefully and diligently studied this subject. The present condition of our gold mines, their flourishing state and prospective value, based on facts as now developed, most clearly indicate their importance, as an industrial pursuit and one destined ere long to form one of the leading interests in the economy of the State; and as such it would seem that all prudent measures to develop farther their extent and value, and place them upon that footing before the world which that value and importance demands should be used, either through the State or General Government, and through them promote such measures as will prove an inducement to more extensive and permanent operations than has yet been done.

In concluding this part of the report, and in connection with the magnitude and importance of perhaps a somewhat exciting principle in

relation to it, I would beg leave to call your attention to a point on which there has heretofore existed much diversity of opinion, which not unfrequently has engendered angry discussion and belligerent feeling in a large proportion of our mining population. The experience of the last three years has elucidated the fact most clearly that the two mining interests of this State cannot be governed by the same rule of law in all cases, and prove alike advantageous to both; it is therefore suggested whether some method more congenial to this interest may not be adopted, that will favor the occupancy and improvement of the metallic veins of this State, giving at the same time widest scope and protection to all at present engaged, and those who may wish hereafter to enter upon those pursuits.

PRESENT GOVERNMENT OF METALLIC VEINS.

Before entering upon this part of our subject I will state, that throughout every part of the mining counties, which it has been my fortune to visit, in my examinations of previous years, and up to the present time, the subject of needful protection to capital investment and labor in this branch of mining, has been fully and unequivocally expressed by those engaged and interested in it, and by a large portion of those engaged in placer mining, having no direct connection with the former. And it is at the solicitation of nearly *every individual* engaged in the pursuit of mining on veins, that the subject is presented to your consideration at the present time. A wish has long since been expressed, and urged through all the various channels of communication, that the present tenure by which this species of property is holden and conveyed may be changed in such manner as may render available capital investments, which must be largely employed in order to develop those sources of wealth and insure their occupancy.

It is perhaps a questionable point whether the State government is vested with the power to cede and convey title in fee to lands containing the precious metals, even were that title absolutely required from the nature of existing circumstances; but whether her jurisdiction in the case be sovereign or not, she legitimately possesses a conservative jurisdiction over such lands, and through that power, as a member of the great confederacy, may exert an influence to obtain such modifications of existing laws of the general government, as would conflict with the common interests of her citizens, or of those rules and regulations temporarily instituted by the State, which by their present action, have a tendency to cripple and reduce her otherwise available means of revenue.

Under this form of the question it becomes a matter of some importance to consider, whether the entire interests of the State would not be materially and beneficially affected, by placing such lands as are under its conservative influence in a position that would be likely to yield a revenue from their occupancy, and which at the same time would yield an adequate security for the investment of capital to be employed in their developement. A system of law that would induce a more extensive occupancy than that now existing must insure, as a resultant, a corresponding increase of revenue, thereby

reducing taxation on the great mass, render less burdensome the support of the State government.

A course of action that would accomplish this end, and at the same time prevent that result which it has been the careful study of the representatives of the people to guard against, and whose every effort has been directed to preserve to the people the most liberal policy in the acquirement of wealth from the varied and prolific sources presented in no other country than this, must be unobjectionable either to the miner or merchant.

A strong objection has been urged against the sale of mineral lands, and justly too, as in this case the title must pass into the hands of private parties, which in most countries has proved objectionable in many particulars, and a course of this kind could never meet the approbation of a large majority of our population, in the present state of our information. In all other countries as in our own, the title to mineral lands is vested in the crown, or general government, (with the exception of Great Britain,) and the title or permission to use or occupy can emanate only from that source, where it properly belongs. In all countries where mines of the precious metals have been found, different policies for their government have been pursued, but as yet that policy which has been the most liberal, and at the same time protective of private rights, is found to have exerted the widest and most beneficial influence in their developement and occupancy; under such a system it is impossible for it to do otherwise than prosper, and the experience of nearly three centuries have gone to substantiate that fact.

There can be no possible objection to the *general principles* on which our present system is founded, it is the same that made Spain and Mexico what they were and are, and one that with these countries has stood the tests of time, the best proof of its utility and univeral applications. Throughout all the political changes that have convulsed and shattered the civil codes of these governments, no change or alteration of a restrictive tendency has been made in the Ordinances des Mineria. For the last fifty years no change that in the least has affected its vital features, except to render them more liberal and congenial; its dictates with them are as sacred as their holy creed, and to molest or change its principles would be regarded as equally sacreligeous.

Under that system individual rights in mines are scrupulously respected, and strict non compliance with its requisitions are followed by a reversion of party rights to the crown, from which only can a similar title be obtained by others wishing to occupy and improve.

The history of mining proper throughout the world, has taught us that it is impossible to pursue that business to advantage without heavy outlays of capital; this applies equally to mining for silver or gold; the great amount of labor and expense attendent in opening a mine is the cause of this, that branch alone often being the work of years, before the reduction of any of its metals take place whereby any return of profits can be realized. We are not wanting in illustrations of this kind, they are as wide-spread as the mining operations of the world; and if more deffinite examples of this fact is required than the general history of this branch of industry, we need but to refer to the superficial operations of our own State heretofore, to show that limited means cannot succeed in gold mining, though the veins produc-

ing the metal may be (as they frequently are in this country,) exceedingly productive.

Our citizens embarked in this delusive speculation in a most inconsiderate manner. The results that followed from their earlier operations are too well known: the capital at their command, being small, was expended even before their veins were opened, and this great lever of success in these operations being thus early suspended, prevented the prosecution of the enterprise to a successful termination, which would have ended in profit in place of loss.

The fault, "if fault there be," lay at the door of misguided apprehensions, induced by flattering reports of results which had flowed from hasty examinations, but not in the veins themselves: as these were dumb, and unable to speak for themselves, until men of larger means developed their capabilities, the cause of failure was attributed to a want of metal in the lodes; hence the distrust which has up to the present time attached itself to this branch of mining, and has resulted in serious loss to the country at large, as well as to the private citizen.

A few have grappled through against all obstacles, who were fortunate enough to command the necessary means, and now have their mines opened and in successful operation. But it has been at the expense of heavy outlays of capital, and nearly two years of industrious application and hard labor; the results which they have produced has been the means of fixing on a permanent basis, the character of these mines, which it will be difficult to affect injuriously hereafter; and their integrity as lucrative employments, and safety for capital investments in themselves, is questioned by none who are conversant with their present condition.

Notwithstanding their acknowledged intrinsic value, there is an incubus resting upon them, which prevents, and must still prevent, their more extensive occupancy, and until removed in some manner, will stand as an insuperable obstacle to their future progress. This rests in the doubtful and uncertain tenure, by which these mines are held, being subject, as they are, to the government of the majority of the people in the district in which they are located, and whose interests directly considered, are both unconnected and foreign, though following a profession similar in some respects to that under consideration.

The position of the Placer miner, and those engaged on veins, is different in many respects. In the case of the former, there is but a comparatively small amount of capital requisite to pursue his business advantageously and successfully: in the other, experience has fully demonstrated that he cannot pursue his business successfully without large expenditures. In the case of the former, the extraction of gold is conducted by the simple process of washing; in the other, it can be extracted from the gangue often only by complex metallurgical processes, and subjected even then to much uncertainty, and, at times, loss—requiring what the Placer does not, the employment of men who have made it the study of their lives, and the use of means mechanical and scientific, which do not come within the requisition of the former, to conduct his operations to a successful issue.

The operations of the placer miner are generally limited as to time, seldom exceeding a year in the same locality, on his removal his interests in his former residence ceases; in the case of the miner engaged on veins, he

finds that his operations must be continued through a series of years in order to secure a fair remuneration for his labors, and if he removes to other parts of the State, his interests in the locality he left does not cease, as his capital investments still remain and continue a permanent source of revenue to the State and county in which they are located. The implements of the placer miner are few, and easily obtained or disposed of if he wishes to remove but, it is widely different with the other. He is obliged to obtain expensive machinery to obtain profitable results from his labors, and heavy sacrifice is often the attendant, if it is his misfortune to fail in his operations from any causes either natural or artificial.

The effect of placer mining in all parts of the world has been, to produce a wandering and unstable community, no better example is to be found than in our own State; it is a true illustration of what has occurred in other countries whose features simulate our own; and to remedy this has been the aim of our State government almost from its earliest foundation; how far its efforts have been attended with success its present history will clearly elucidate. The attempt to induce a permanent settlement in the mountains can be said to have partially succeeded only, and this has occurred in those instances where the parties thus locating have been enabled to avail themselves of interests that would partake of a degree of permanency for a series of years; their titles to improvements on the lands such persons occupy, being retained only by the law of sufference, subject to the decrees of the majority residing in their vicinity if found to be auriferous.

On the broad platform of "equal right and equal privilege," which has been the governing principle of this State in its most extended sense from its earliest occupancy, the dim outline of a desire to establish permanency in the settlement of the mountain districts has been manifested, and at the present time it has become a distinguishing feature in a large portion of the mining population, in mining employments it is equally apparent as in agriculture; among the most stringent advocates of a "*masterly inactivity*" in regard to the government of the mines, two years ago, are now to be found men equally earnest in their advocacy of vesting rights that shall partake of the character of permanency, and protective where his operations require investments, to secure competency and reward for his labours. Experience has taught us that necessity, if we would foster those employments which it has been our pride to boast, and where no subversion of those fundamental principles on which our laws are founded can take place.

In every county of the State where quartz mining has been conducted this will be found a striking feature in each and all of their operations, and has been particularly manifested in some of the northern counties, where more stringency in the enforcement of mining laws of former years existed, than probably any other part of the State; the effects of this course of action was equally manifest abroad, in the Atlantic States and Europe, when the construction of the present mining code was published in those countries. In one of our northern counties a system has been founded on this code which under certain conditions, (consisting of a given amount of improvements only) conveys a title in fee to all intents and purposes; and another by which parties have the right of holding all that they may be able to purchase. This course of action among miners themselves must be viewed as a plain and clearly defined wish, on their part, to extend over the country a system

of government that shall prove alike conducive to the enhancement of these interests and the public welfare, and offer by these means inducements for the investments of capital from abroad; its effects would prove beneficial inasmuch as every dollar of capital thus invested would become so much available means of revenue and serve to retain a much greater amount of the gold extracted from our hills, within the State.

From the nature of gold-mining proper, it results as a consequence almost, that those who engage in it, must become permanent settlers, as their operations if successful become the work of years instead of a few months, and their investments, when made, are done with that view. Under these circumstances does it not become a matter of correct policy to separate the interests of the placer miner and those engaged on veins, in such a manner that those engaged in each branch may enjoy that liberty which the placer miner now possesses, and which is enjoyed by the other only by the sufferance of the former in the largest majority of cases; giving to each the right to enact those laws, which they in their good judgment will find most conducive to their seperate interests, and which from their nature and attendant circumstances are very dissimilar and foreign.

The jealousies and feeling arising from the suspicion entertained by each other, which has heretofore and at the present time exists to a considerable extent, in these two branches of industry would, by the above course be done away, and a much greater degree of stability in mining proper would be the result, (which under the present arrangement of affairs can hardly exist) in which its prosperity to a great extent is involved: its influence would not only be made manifest here, but it would give a confidence abroad in these operations which they do not now possess, and to which we must look for those means by which we shall be able to conduct gold-mining successfully and with profit.

The entire separation of these interests would be regarded abroad as the opening of a new era in the mining history of this State, fraught with beneficial results, and involving a vital interest in her future economy, advantageous alike to the revenues of the State and to the people; it would remove that serious obstacle at present in the path of its progress, viz: "the insecurity that now exists for invested capital, from the motative policy heretofore pursued," and restore that confidence which such a policy has in a great measure been the means of destroying.

The mines of this State are of a character and value, which if placed in a proper position, will invite investment from abroad, to an amount little less than twenty millions of dollars within the next eight years; this presumption is founded on the fact that more than one sixth of that amount is at the present time in active operation in this country, and its largest proportion has been derived from American sources, during a portion of that period when public confidence had been shaken in regard to their value. Negotiations are now pending which involve nearly one million more of capital investment in this branch of mining, nearly one half of which is in the cities of Boston and New York.

Considering the disadvantages that now surround them, as shown from the facts relating thereto, they can but be regarded as the prolific sources of wealth in this country; and every inducement consistent with the liberal

policy adopted in the government of the placers, is equally applicable and should be extended to them.

The following pages will contain a brief notice of some of the principal mines of the State with a list of those in successful operation and their locations. Also a table of Barometric Altitudes; and Catalogue of Minerals obtained during the tour, to be placed in the State Cabinet.

LA FAYETTE AND HELVETIA MINE.

This company is located at Grass Valley, Nevada County, and the sketch of the workings of their mine is taken from the La Fayette Hill vein only about two miles south-west of the town. The length of the vein at the above hill is eleven hundred feet; it has a curvilinear course, varying from north-east to south-west; its mean, however, when marked on a right line is north, ten degrees east. The dip of the vein is forty-one degrees east, having a power of three feet at the depth of thirty-four feet; at this point the ore was of a poorer quality than at any other point. The depth of the present working is about 55 feet, and here the vien increases in power and value, being equal to three feet eight inches, and yielding in a large amount of ore, forty dollars per ton. The vien, when discovered, was covered with yellow brown alluvium for five feet, and passed through this and decomposed granite of a purple color fifteen feet, when it entered a mass of decomposed and fragmentary greenstone of five feet depth, thence into compact rock of the same character and continued to the depth of fifty-five feet.

Adit level is 1100 feet in length, exclusive of tram road for conveying ore and attle from the mine; it extends through the whole length of their claim. At their present depth all the ore is obtained by blasting, which adds much to the expense of the mine. The cost of obtaining ore from this mine is from seven to eight dollars per ton at present rates of labor. The company have about 900 feet of vein in Gold Hill, which requires no blasting and is obtained at the mill for five dollars per ton.

The La Fayette Hill vein was much decomposed for the depth of thirty feet, and contained a large quantity of peroxide iron and free gold; after passing into the compact greenstone the vein becomes quite firm, and highly charged with pyrites investing gold; the crystals were white and well-terminated, generally perfect in form. In some parts of the mine, galena is met with and gold imbeded in it; an examination of this latter mineral has not been made for silver, but from its appearance it is quite probable that it contains this metal. The matrix of the ore is a bluish white and translucent, in pieces of one inch in thickness; the blue tint of the vein in the vicinity of the shafts is due in a great measure to finely divided particles of lead.

The capital of this company is about three hundred thousand dollars, and their receipts in four months has been as high as $98,000, but their average is near $10,000 per month; the mine has yielded with great uniformity since the commencement of operations, and bids fair for future success.

This mine has two Batteries and when in full operation is capable of reducing forty tons of ore per day, but one battery is run at a time as the

amalgamating apparatus is not of sufficient capacity at present to dispose of that amount of ore judiciously, the amalgamating instruments consist of Cram's Cylinder and Berdan's Amalgamator, in the latter about fifteen per cent of the gross amount is saved after it has passed through the other instruments; this arises from the fact that Berdan's instrument possesses a levigating power from revolving balls in the instrument which gives a new surface to the material passing under them.

GOLD HILL MINE.

This mine is located in the town of Grass Valley on the first hill to the west of the village. The mine was first opened in 1851 and worked to a considerable extent and profit, subsequently it passed to the hands of the Agua Frio Company under the superintendence of their agent Mr. Atwood in whose possession it now remains; after an examination of the mine the old method of working was given up, and a new system of operations entered upon in order to tap the vein at the lowest possible point and at the same time afford easy transit to the reduction works and drainage to the mine. With this view an adit was commenced about fifteen feet above the level of the creek which flows in front of the town, and carried west through the base of the hill for a distance of seven-hundred feet, cutting through allavium and decomposed granite most of the way, at the west end of the adit which cuts the vein nearly at right angles, the shaft marked A in the longitudinal section was intersected at a depth of ninety feet below the surface; from near the ninety feet shaft a level has been driven to the north on the strike of the vein about seventy feet marked, D, also two other levels east of it, E, F, which intersect the north crosscut D of the ground plan; a winze has been sunk below the water level sixteen feet marked H, of the longitudinal section; this disposition in the working of the mine affords many advantages in the extraction of the ore and attle and easy communication with all parts of the mine and surface, and the intersection of the shaft A produces ample ventilation. The vein intersects the greenstone at the bottom of the air shaft, and as in the case of the Lafayette has cut completely through it; increasing in power as it enters this rock, about one thousand tons of ore was in the yard at the time I visited the mine ready to pass through the reduction works. From the end of the long adit a tram road four-hundred feet in length passes to the mill on which by *mule power*, the ore is conveyed from the farthest part of the mine. The ground plan exhibits the crosscuts and levels and their connection with the mill.

The strike of the vein is north and south diping east at an an angle of 24 degrees, with a vein whose power at ninety feet was nearly three feet: the transverse section is shown the air shaft entering the greenstone and intersecting the vein, with the increase in power of the vein from the surface to the lowest point worked. The ores in the greenstone differ in no particular from those of the Lafayette, with the exception that none of the plumbic sulphuret was observed at this mine though the vein has much the same blue tint. The reduction works of this company were not completed in November and no opportunity was afforded to witness their process at that time; it was expected that their machinery would be capable of reducing over one

hundred tons of ore per day, which from its appearance would not be a large estimate, it is probably the most powerful machinery in this country and will compare with any in Europe.

The operations of this mine are looked for with considerable interest at home and abroad, as their capacities for reduction are much more extensive than any hitherto put up in this country.

OSBORN HILL MINE.

This mine is located two miles east of Grass Valley, it has been opened on the course of the vein four-hundred and fifty feet and from sixty-five to seventy feet in depth. Vein strikes north and south dipping east at an angle of forty degrees; the transverse section shows a depth of sixty-five feet; the shaft was carried through twelve feet of alluvium, seven of clay slate, seventeen of a much broken and decomposed greenstone, and fifteen feet of compact rock of the same character; total depth including winze I is nearly seventy feet. The vein at this mine has dislocated all the rocks above it and possesses that half stratified appearance as in the Lafayette, arising from fracture by the intrusive vein. The power of the vein is about three feet at the depth of sixty-five feet. In the longitudinal section, the levels which have been driven are given to scale and their different lengths are found by reference to the sketch. This mine has been one of the most flourishing and profitable of the State and has been conducted with much prudence and economy.

WYOMING MINE.

This mine is situated on the north bank of Deer Creek, about two miles below the town of Nevada; its altitude above the Creek is two hundred and forty feet, and the higher parts of the outcrop on the line of the vein will reach nearly or quite three hundred feet above the same point. An adit was driven about two hundred feet through clay slate, which intersected the vein at this point, at an angle of about twenty-seven degrees. From this, two levels have been driven on the vein, of one hundred and twenty and fifty feet each, and a winze of twenty-five. The vein dips east with an angle of forty five degrees, having a strike north and south, with a power of three feet. Fifty feet below the upper adit, another was commenced and carried to a hundred and twenty-five feet, intending to intersect the vein at one hundred feet below the surface of the shaft F; at seventy six feet the greenstone was met, and the adit carried fifty feet into it. At the junction of the slates and trap, the former are much changed, evidently from the effects of heat, while at the junction of the slates and vein, above this, they have again suffered from the intrusion of the latter.

On the south side of the hill the vein crops cut through the trap two hundred feet below the summit, with an increased power, leaving no room for doubt of the permanency of its character. In this mine one of the recent veins has cut through from the Bunker Hill Mine, east of this, which produced a valuable nest of ore; the dip of the principal Wyoming

Vein, if it holds its present inclination, must cut the older lodes at the depth of four or five hundred feet, and its situation is such that ample drainage and ventilation can be obtained.

GOLD TUNNEL MINE.

The mine bearing this name is located half a mile west of the town of Nevada, on Deer Creek, and has been worked successfully since its discovery in 1850 or '51. It was originally a placer claim and was found while working the banks of the creek for placer gold. Soon after its discovery an engine was erected upon the ground and the vein opened; it was commenced by driving an adit level on the vein, which was subsequently abandoned and a new level commenced at the point at which the present reduction works are situated.

The length of the present level is three hundred and seventy-five feet, and has an inclination of ten degrees from the horizontal line; three winzes have been drove on the lower side of the adit [L. F. H.] which are respectively thirty, twenty and twelve feet, with a level of twenty-five feet between the winzes F. and H. On the opposite side two cements of fifty feet each, and a gallery connecting both, of one hundred and twenty five feet, with a corresponding one connecting the winzes on the lower side. All the ore included within the dash lines has been stopped out. This vein is situated in granite, and thus far has been loose and incoherent; this is attributable to the large amount of pyrites contained in the vein, as is shown at any point where the quartz retains any solidity; the gold is in a free state in the gossan, of which there are large quantities throughout the mine; the operators on this vein have been eminently successful, and their mine bids fair to continue valuable. The strike of their vein, north ten degrees east, dipping east ten degrees south, at an angle of thirty-eight degrees.

ILLINOIS MINE.

The Illinois Mine is situated directly opposite the Gold Tunnel on the south bank of Deer Creek, and is a continuation of the same vein, it has all the characteristics of the former throughout. The length of their upper gallery is four hundred and fifty feet and that of the lower, two hundred and fifty; two cross-cuts have been driven which connect the galleries at C. D. each fifty feet in length.

JONES AND DAVIS MINE, HERBERTVILLE, CALAVERAS COUNTY.

The mine of this company is located on the east side of a small tributary running into Amidor Creek, the latter passes through the town of Amidor one mile north of this mine; the top of the whim-shaft, C, is one hundred and forty-five feet above the level of the creek, and nine feet below the outcrop of the vein on which the shaft, C, has been sunk; at shaft 4 the

vein is three hundred and fifty feet above the Amidor, and increases in altitude for half a mile, until it arrives at the height of four hundred feet above the town. The company have sunk two shafts of ninety feet on the vein, and drove two galleries, the upper one A being two hundred and eighty feet, the lower, B, one hundred and fifty feet, and are driving in the course of the dotted lines to run a third gallery at the depth of fifty feet below the point B. Figures 1, 2, 3, are stopes from which they are now obtaining their ore, being conveyed along the lower level to the whim-shaft and thence elevated to the surface; from thence it is conveyed on a tram road 600 feet to the reduction works at its terminus.

The design for future operations is to cut an adit a short distance north of the mill, and intersect the vein at a point which will give a depth of three hundred feet from its highest point to a level with the end of their present tram road, and then stope down from this point, which will not only furnish an abundance of ore, if the vein retains its present power, but materially lessen the expense of its extraction. This will be accomplished in a distance of three hundred yards, and probably less. This mine is very systematically arranged for the comfort of the miner, and obtaining all the ores easily, and reflects much credit on its projectors; the sketch of the mine, drawn to scale on the spot, will fully elucidate itself; its convenience of arrangement, considering its local position, will be found equal to all its necessary requirements.

The vein is invested in chlorite and talcose rocks, throughout its whole extent, being nearly three miles in length. On the eastern side of the vein a graphic slate occurs, having a thickness of one or two feet; outside of this a bed of chlorite, from five to ten feet, much discolored by graphite, at times perfectly black and staining the hand easily. On the west side, a greenish chlorite occurs, next the vein, highly pyritiferous and often containing considerable gold; the power of the vein at ninety feet depth is six feet, and has steadily increased from the surface down; its strike is northwest by west, with a corresponding dip east and south, of fifty-five degrees. The color of the vein is bluish white, with black seams of graphite, giving a ribband-like appearance in the mass; it is highly pyritiferous, and when properly roasted, crumbles easily; some parts of the vein contain an arsenical pyrites, which has an injurious effect in the reducing process, by preventing perfect amalgamation; this is caused by roasting the ores in contact with charcoal which should not be practised in these varieties of ores.

SPRING HILL MINE.

This mine is located on Amadore Creek, at the east end of the town and one mile north of the preceding mine. The company commenced operations on this sett in 1851, and have continued uninterrupted since that time; it is located on the same vein as the former, and crops out to the height of 530 feet on the highest point of the hill between Jones, Davis & Co.

Two inclined shafts have been sunk on the vein to about 75 feet below the bed of the creek, at which point the sett has a power of six feet; in its general character it differs in no wise from the mine one mile south, except in the disposition of investing rocks. At Spring Hill the graphic slates

which form the gangue are found on the west side of the vein, in place of the east as at Davis' mine. This was evidently caused by an unequal displacement at the period of intrusion of the dike, resulting from the transverse fracture forming the cross course on which Johnson's mine is situated; the resistance being less in that direction at the time of fracture in the incumbent rocks. This cross-fracture had the effect also to throw the intrusive mass from a right line at the time it broke through, for the entire length of the dike, giving it at first view the appearance rather of two sets in place of one which they in reality are. There are many similar features attending the veins of this country, which has created no little confusion in regard to their true position; and of themselves though they may appear insignificant, yet with the miner they involve questions of high importance, and exert an influence either prejudicial or favorable upon his operations, as their position may be clearly or distinctly known.

The study of our system of metallic veins and its correct development, involves some of the most important interests of the State; a correct knowledge of their position is much desired, but as the limits of this report will not admit that examination which they require, further allusion to the subject will be omitted.

All the vein between shafts and to the point E, has been stopped out with the exception of a small body of vein to support the walls of the mine and attle F F. The mine from its proximity to the creek has considerable water but is kept free by one of Farnham's double-action pumps placed at the shaft B, while the shaft A is used for bringing the ore to the surface.

AMADORE COMPANY MINE.

This is situated on the opposite side of the Creek from the Spring Hill mine, and on the same sett. Their operations have been conducted below the bed of the creek, to the depth of nearly one hundred feet. Shaft D is the whim shaft, 97 feet, and is to the depth of 100 feet, at the bottom of which a 37 foot horse has been struck, all the ore from the lower level A C has been stoped out, the points I supporting the ottle. Reference to the sketch will present its position at the date of visiting it.

The strike of the vein in both the latter, is north by west, diping east 65 degrees.

RANCHOREE MINE.

Is located one mile north of the preceding, and on the ridge dividing the Amadore and Ranchoree Creeks; their reduction works are about half a mile west of the town of Ranchoree.

The upper portion of their vein is situated 420 feet above the creek; on the vein are three shafts of about 70 feet, and two levels of 110 and 75 feet respectively; they are now driving on the level I, to obtain drainage and easy transit for their ores to the mill; the plan of operations will be seen on the sketch marked by the dash lines. The vein at this lower level gives a good ore, and has the same investing rocks as at the upper levels. The

vein strikes north 25 degrees west, dipping east, with a power of four feet. The investing rocks are talcose slates.

KEYSTONE MINE.

This mine is situated on the arroya leading into the Amadore, one mile below Jones & Davis' mine; it appears to be a parallel vein, half a mile west of the line uniting the latter and the Spring Hill mine; the ores partake of all the general characters of the other two mines, and it is situated 25 feet above the level of the creek. The sett of Jones, Davis & Co. and the Spring Hill are in the high hill east of the workings figured in the sketch for the Keystone Mine.

This vein strikes north 10 degrees west, diping 40 degrees east, with a power of five feet; the investing rocks are the graphic slate and chlorites, as found in all the others in this neighborhood.

EUREKA MINE, SUTTER, CALAVERAS COUNTY.

This mine is located a short distance south of the town of Sutter. The company have one shaft, A, which is used for the whim by which the ore is at present taken from the mine: a cross cut, seen at D, in the ground plan, was carried east 140 feet, intersecting the level, D, and main shaft, from this the gallery, B, was carried south 135 feet, and subsequently the lower level, C, was driven each way a distance of 230 feet.

The mine is in active operation, and they are now driving an adit on the east side of the hill, which will intersect their vein at an angle of 65 degrees to its line of strike, this will be 400 feet in length, and will afford easy and rapid communication with the reduction works. At the end of the adit a tram-road is constructed 2800 feet, which connects with the mill; the gallery, B, 2, will be connected with the adit in the dotted line, F, of the ground plan.

The vein of this company is in chlorite, and has a strike north and south, dipping east 55 degrees, with a power of five feet; the vein has a riband like appearance in masses, from small seams of graphic slate running through it. The vein contains some arsenical ores, which are highly auriferous.

LIST OF GOLD MINES

At present in operation in California, with location, power employed, &c.

COUNTY.	TOWNS, ETC.	NAME OF MINE.	LOCALITY.	POWER.
Nevada.	Nevada and vicinity.	Gold Tunnel.	Deer Creek.	Steam.
"	" "	Golden Gate.	Little Deer Creek.	
"	" "	Nevada.	Deer Creek.	Water.
"	" "	Wyoming.	"	"
"	" "	Wisconsin.	East of town.	"
"	" "	Illinois.	Deer Creek.	"
"	" "	El Dorado.		"
"	Grass Valley.	Gold Hill.	West of town.	Steam.
"	"	Crossett and Collins.	Osborn Hill.	"
"	"	Empire.	Ophir Hill.	"
"	"	French.	Union Hill.	"
"	"	Lafayette & Helvetia	Lafayette Hill.	"
Butte.	Jamison Creek.	Washington.	Jamison.	"
"	"	Eureka.	"	Water.
Sierra.	Downieville.	Ariel.	South Fork.	"
Yuba.	Brown's Valley.	Huntley's.		Steam.
Shasta.		Kelby's.		
"	Mt. Washington.	Mt. Washington.		
Siskiyou.	Scott's Valley.	Stents.	Scott River.	Steam.
"	"	Shackelford's.	Scott Valley.	
"	"	Moffat's.	"	Water.
"		Martin's.	Humbug Creek.	"
Klamath.	Sealey's Flat.	McDermott's.		
El Dorado.	Union Town.	Union.	Marthenas Creek.	Steam.
"	Quartzville.	Thomas's.	Consumnes River.	Water.
Calaveras.	Ranchoree.	Ranchoree.	Creek.	"
"	Amidor.	Amidor.	Town and Creek.	Steam.
"	Spring Hill.	"	" "	"
"	Amidor.	Keystone.	Tributary Creek.	"
"	Herbertville.	Jones & Davis's.	"	"
"	"	Lea & Johnson.		"
"	Mokelumne Ridge.	Woodhouse.		"
	"	Phœnix.	"	"
"	"	"	"	"
"	Sutter.	Eureka.	Sutter Creek.	Water.
"	"	Amidor, No. 2.	"	Steam.
"	Jackson.	Oneida.		"
Tuolumne.	Maxwell Creek.	Harris's.	Creek.	"
"	Coulterville.	Maxwell Creek Co.	"	"
"	Merced River.	Marble Springs.	North Fork.	"
Mariposa.	Mt. Ophir.	Noveax Monde.	Mt. Ophir.	"
	Quartzburg.	Washington & Georg.	Quartzburg.	"

From this it will be seen that there are thirty-nine mines in successful operation in this State at the present date, twenty-eight of which I have personally visited this season, and my excuse for not visiting the balance, was the lateness of the season and distances, with the time necessarily required to compile this report, being now delayed much beyond the time when it should have appeared.

ALTITUDES

Taken by Aneroid Barometer No. 10,811, with the Counties and Localities in which they were taken.

COUNTY.	LOCALITY.	POSITION.	ALTITUDE ABOVE THE SEA.
Santa Clara,	San Jose,	Mansion House,	150 feet.
" "	Almaden,	Hotel,	480 "
" "	Mine,		1345 "
" "	Houck's Ranch,	Santa Clara Valley,	190 "
" "	Gilroy's,	" " "	155 "
" "	Mission Peak,		2025 "
Monterey,	Mission San Juan,		210 "
"	Ranch Tres Pinos,	Cañada San Benito,	220 "
"	Pass Santa Anna,	Top of hill,	615 "
"	Cañada San Juan,	Four miles south of the above,	300 "
"	Cañada Las Muertos,	Entrance,	280 "
"	Sierra Gibilan,	Summit,	2780 "
"	Chupedero,	"	2368 "
"	Chelone,	"	2010 "
"	Soledad Mission,		312 "
"		Hill on road from San Juan to Watsonville,	340 "
San Luis Obispo.	High Ridge,	South Nacismiento,	2460 "
Alameda,	Mission San José,	Portico,	285 "
"	Sunols Hill,	Entrance to valley,	505 "
"	" Valley,		285 "
"	Seven Mile House,	Sunol Valley,	240 "
"	Livermore's Ranch,	Livermore Valley,	420 "
"		Hill in Pass nine miles from Ranch,	865 "
"		Cañada half mile north of hill,	584 "
"	Stone House,	Bottom of hill, one mile,	680 "
San Joaquin,	Elk Horn,	Mouth of Livermore Pass,	220 "
" "	Suddenfield's Ranch,	San Joaquin Valley,	80 "
Nevada,	Nevada City,	Adams' Office,	1810 "
"	*Grass Valley,	" "	1950 "
Placer,	Auburn,		1080 "
"		Half-way House to Sacramento,	370 "
El Dorado,	Aurum City,		1200 "
"	Mud Springs,		1430 "
Sacramento,	North Fork House,		170 "
"	Sacramento City,	Levee,	39 "
Yuba,	Marysville,		76 "
"	Johnson's Ranch,	Bear River,	1120 "

* A difference of fifty feet by observations of Mr. Atwood with mercurial Barometer, taken three quarters of a mile south; difference probably in elevation of both places.

Altitudes were taken in the Counties of Butte, Sierra and upper part of Yuba with another instrument, but as it was found not to correspond with the points of departure on my return, the observations were presumed to be incorrect and therefore are not given in this table. Some of the localities in this table have been levelled and their height accurately known, and as the barometric measurements have been found to correspond, they are probably close approximations.

COLLECTION FOR THE STATE CABINET.

The Minerals found in the attached list will represent the rocks of those sections examined and spoken of in the report.

1. Sandstone conglomerate with serpentine, Water Works, San Francisco.
2. Chromic iron, containing Nickel, Panoches, Gabilan Mountains.
3. Chromic iron, containing Nickel, San Benito, Canada of.
4. Chromic iron, containing Nickel, Alameda County.
5. Serpentine, containing free Iodine, Water Works, San Francisco.
6. Serpentine seams of Asbestus, Water Works, San Francisco.
7. Sulphuret Copper in Quartz. Alisal, Monterey.
8. Blue and green Carbonate Copper, Alisal, Monterey.
9. Carbonate and Sulphuret Copper, Alisal, Monterey.
10. Carbonate and Sulphuret Copper, Santa Barbara.
11. Jaspery rocks, Presidio, San Francisco.
12. Gangue of the veins, Alisal Mine.
13. Gossan, containing Gold, Gabilan Mountains.
15. Gold in Quartz with peroxide iron, Washington Mine, Shasta Co.
16. Do. do, do. do. do. do. do. do. do.
17. Do. do. do. do. do. do. do. do. do.
18. Gossan, containing Gold, Gold Tunnel Mine, Nevada.
19. Gold in Quartz, Gold Tunnel Mine, Nevada.
20. Gold in Pyrites, Gold Tunnel Mine, Nevada.
21. Gold in Quartz with Galena, Lafayette and Helvetia Mine, Nevada.
22. Gold in Pyrites, Lafayette and Helvetia Mine, Nevada.
23. Gold in Arsenical Pyrites. Lafayette and Helvetia Mine, Nevada.
24. Gold in Gangue of Vein, Lafayette and Helvetia Mine, Nevada.
25. Auriferous Pyrites, Gold Hill Lode, Helvetia mine.
26. Gold and Peroxide Iron, Lafayette and Helvetin mine.
27. Serpentine from the Lode, Lafayette Hill.
28. Pyritiferous and Variegated, Lafayette Hill.
29. Gold in Quartz, Empire Co., Ophir Hill.
30. Gold in Pyrites, Empire Co., Ophir Hill.
31. Ores of the Greenstone, Empire Co., Ophir Hill.
32. Ores Pyritiferous, Empire Co, Ophir Hill.
34. Discoloration of Quartz by *Gold*, Empire Co., Ophir Hill.
35. Gold in Quartz, Gold Hill mine.
36. Auriferous Pyrites in Quartz, Gold Hill mine.
37. Auriferous Cellular Quartz, Gold Hill mine.
38. Surface Ores and Peroxide Iron, Gold Hill mine.
39. Auriferous Quartz in Crystals, Osborn Hill mine.
40. Ore from the Granite, Osborn Hill mine.
41. Ore from decomposed Greenstone, Osborn Hill mine.
42. Ore from the Greenstone Gangue, Osborn Hill mine.
43. Gossan containing Gold, Wyoming mine.
44. Auriferous Quartz, Wyoming mine.

45. Pyrites containing Gold, Ben Franklin mine.
46. Ore from the Greenstone, Ben Franklin mine.
47. Conglomerate and Gold, Little York.
48. Trachyte, Grass Valley.
49. Auriferous Pyrites in Quartz, Mt. George mine.
50. Auriferous Pyrites and Sulphur, Mt. George mine.
51. Auriferous Pyrites, Mt. George mine.
52. Steatite (Soapstone) Jenny Lind Hill (*Rocky Tunnel*).
53. Serpentine, Jenny Lind Hill, (*Rocky Tunnel.*)
54. Asbestus, Jenny Lind Hill, (*Rocky Tunnel*).
55. Cellular Quartz and Gold, Lea & Johnson mine, Calaveras Co.
56. Ore from the Greenstone, Lea & Johnson mine, Calaveras Co.
57. Surface ore of cross course, Lea & Johnson mine, Calaveras Co.
58. Cellular Quartz surface ore, Ranchoree mine, Calaveras Co.
59. Auriferous Pyrites, Ranchoree mine, Calaveras Co.
60. Quartz Talc and Gold, Ranchoree mine, Calaveras Co.
61. Auriferous Quartz, Jones & Davis' Mine, Calaveras County.
62. Pyritiferous Quartz, Jones & Davis' Mine, Calaveras County.
63. Gangue investing Lode Auriferous, Jones & Davis' Mine, Calaveras County.
64. Surface Ores, Jones & Davis' Mine, Calaverous County.
65. Gold in Quartz, Eureka Mine, Calaveras County.
66. Arsenical Pyrites and Gold, Eureka Mine, Calaveras County.
67. East side of Lode, do do do do
68. Middle of Lode, do do do do
69. Average Ores, do do do do
70. Graphic Slate, Jones & Davis Mine.
71. Veinstone with Graphic Slate, Spring Hill Mine, Calaveras Co.
72. Do Roasted, do do do
73. Auriferous Pyrites, do do do
74. Gold in Quartz, do do do
76. Cellular Quartz, Keystone Mine, Amidor.
77. Auriferous Pyrites, do do do
78. do do and Gold, Ariel Mine, Sierra County.
79. Pyrites in Talc, do do do
80. Proxide Iron, do do do
81. Calcarious Travertin, South Fork, Yuba.
82. Galena and Gold in Quartz, Tuolumne Water Co.
83. do do do do do
84. Peroxide Iron and Gold do do
85. Auriferous Talc, do do
86. Talcose Slate and Gold, Calaveras River.
87. Gossan and Gold, New York Mine, Stanislaus River.
88. Carbonate Line, Almaden Mine, Santa Clara.
89. Serpentine, do do do
90. Carbonate Lime in Cinnabar, Almaden Mine, Santa Clara.
91. Cinnabar, do do do do
92. do do do do do
93. Sulphuret Copper, Santa Barbara.
94. Carbonate Copper, Carson Hill.
95. Carbonate Copper, Grass Valley.

96. Sulphuret Antimony, Mt. Oso, Coast Mountains.
97. Carbonate Copper in boulders, Oregon creek. Sierra Co.
98. Gold in do do do do do
99. Lignite and Sulphuret Iron do do do do
100. Hornblende, Monte Diablo.
101. do Cañada San Benito.
102. Silicified Wood, Oregon creek, Sierra Co.
103. Fossil Leaves, Minesota do do
104. do do and Wood, Minesota, Sierra Co.
105. Shells of raised sea-beach, containing Ostrea, Purpura, Mytilus, Benicia.
106. Lignites, Grass Valley.
107. Silicified Oak, Grass Valley.
108. Quartz and Gold, No. 1 level, Pine Tree Sett.
109. do do No. 2 do do do do
110. do do No. 1 Cross cut do do
111. do do No. 2 do do do do
112. do do from the limestone, Dyer Sett.
113. Copper Lode, near Ridly's Ferry.
114. do do Hoyt's Lode.
115. Copper and Gold, Spring Sett.
116. Gossan and Gold, Josephine Sett.
117. Copper and Gold in Quartz, do do
118. Cellular Quartz and Gold, do do
119. do do do do do
120. do do do do do
121. do do Pyrites with Gold, do do
122. Graphite and Gold in Quartz, do do
123. Blue Carbonate Copper and Quartz, Pine Tree Sett.
124. Galena Iron and Gold in Quartz, Mt. Ophir Sett.
125. Hydrated Protoxide Iron and Gold, do do
126. Walls of Lode Auriferous, Mt. Ophir Sett.
127. Veinstone Pyritiferous do do
128. Galena and Copper, do do
129. Pyrites in Greenstone.
130. Medium Ores of Mt. Ophir.
131. Carbonate Copper, Luis Obispo.
132. Agates, do
133. Magnetic Iron, Santa Barbara.
134. Do do in Serpentine, San Francisco.
136. Do do do do
137. Peroxide Iron, Santa Cruz Mountains.
138. Bituminous Shales, with Telina, Coast Monterey.
139. Do Impressions of telina and Venus, with borings of the Pholas, Coast Monterey.
139. Bituminous Sandstone with Pholas and Teredo, Serpulae, Coast Monterey.
140. Yellow Sandstone with impressions of Venus, Southeast Monterey.
141. Do do and Telina, do do
142. Do do do do do
143. Do do do Carmello Creek.

144. Yellow Sandstone and Telina, Cormello Creek.
145. Do do do do do
146. Do do do do do
147. Mactra and Cardium Sandstone, Monterey.
148. Argentiferous Galena, Alisal.
149. do do do
150. Carbonate Copper and Gold in Quartz, Alisal.
151. Mica Schist and Sulphate Iron, Santa Cruz.
152. Granite, do
153. Serpentine and Bitumen, La Brae, Santa Clara Co.
154. Mica Schist with Garnets, Carmello.
155. Carbonate Lime, Santa Cruz.
156. Carbonate Lime in Crystals, Santa Cruz.
157. Marine Fossils, consisting of Pyrula, Telina, Dentalia, Cytherea, Butte Co.
158. Matica, Ostrea, Mactra, Butte Co.
159. Marine Fossils, consisting of Buccinum, Natica, Cytherea, Santa Cruz Mountains.
160. Venus, Venericardia, Santa Cruz Mountains.
161. Marine Fossils, Astarte, San Benito.
162. do do Venericardia, do do
163. do do Mytilus Cytherea, do do
177. Infusorial Clays, containing thirty-eight species, Monterey.
174. Granite, Punta Reys, Marin Co.
175. Limestone and Antimony, do do do do
176. Galena Gold and Quartz, Marble Spring Mine, Tuolumne Co.

Through the kindess of Mr. W. P. Blake, Geologist of the U. S. R. R. Survey, the following specimens have been procured, and which represent some portions of the geology of the routes traveled over by that expedition during the past season:

164. Fossil Wood perforated by Teredo, Colorado Deseret.
165. Silicified Wood, do do.
166. Andalusite, drift of Chouchillas River.
167. Carbonate of Lime, Tejon Pass.
168. Selenite, Posa Creek.
169. Amorphous Quartz, Four Creeks.
170. Coral, Colorado Desert.
171. Basalt, San Joaquin.
172. Marine Fossils; these contain two species of Fusus Bucinum, Telina, Pecten and Turbo, San Diego Mission.
176. Shark's Teeth, Posa Creek.

All of which is respectfully submitted.

JOHN B. TRASK.